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**LOCAL GOVERNMENT
FOR
ORINDA**

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THE Orinda Association



August 1, 1983

To: John Parr, President

From: Governmental Services Committee

Attached please find the document, Local Government for Orinda, presenting an objective and unbiased analysis of potential city status for Orinda; it is neither a proposal for nor an argument against incorporation.

This study was compiled with the assistance of County and city officials and residents. It is an entirely volunteer effort; no individual or organization received remuneration. Moreover, the Governmental Services Committee is most grateful for the volunteer services provided by Joseph P. McBrien, former Contra Costa County administrator, who directed and coordinated the preparation of this report. It is due to his considerable endeavor, knowledge, and perseverance that it is now completed.

The members of this Committee and Mr. McBrien will be available to answer questions The Orinda Association may have concerning this study.


The Governmental Services Committee recommends that based upon the contents of this document and the conclusions reached that residents consider the matter of incorporation to determine if there is sufficient community support for city status.

Keith A. Jacobsen, Chairman

Marianne Aude

Richard Procunier

**LOCAL GOVERNMENT
FOR
ORINDA**



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LOCAL GOVERNMENT FOR ORINDA

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PREFACE

It is the objective of this report to update and amplify the factfinding study and report made by an incorporation study committee of The Orinda Association in 1973.

It has been presumed that certain basic determinations set forth in the 1973 report still have validity. Accordingly, the territory finally considered to be appropriate for incorporation in 1973 has not been altered, with a single exception. The change accommodates the exclusion of a southeastern triangular area within the territory fixed for incorporation study purposes in 1973; the triangular area is now a part of the City of the Town of Moraga.

This report does not dwell on the climate, topography and development of Orinda, although the history of the community is an interesting story. In this regard Orinda residents are referred to the following publications:

1. The Orinda General Plan, prepared by the Contra Costa County Planning Department and after extended community consideration adopted by the Contra Costa County Planning Commission on October 3, 1972 and by the Contra Costa County Board of Supervisors on January 9, 1973.
2. The History of Orinda, Gateway to Contra Costa County, by Muir Sorrick, published by the Orinda Library Board, Inc., Friends of Orinda Library, c. 1970.

Copies of these two excellent publications are available for perusal in the Orinda Library; it is likely also that a number of Orinda residents have personally owned copies of them.

This report is not meant to be a proposal in support of the incorporation of Orinda nor one presenting opposition to city status for Orinda. It is intended to provide data which may be readily reviewed by Orinda residents to assist them in deciding upon the form of local government they consider to be most appropriate for community controls and services as they proceed into the future.

I. ALTERNATIVE LOCAL GOVERNMENTS

There are several alternatives to the continuance of Orinda as an unincorporated community or to its incorporation as a city. Among the possibilities are:

1. Annexation to the City of Lafayette or to the City of the Town of Moraga.
2. Formation of a relatively large city comprised of components which are now the City of Lafayette, the City of the Town of Moraga, and the unincorporated community of Orinda.
3. Creation of an Orinda Community Services District.

Comments related to the alternatives which are cited above are as follows:

1. The combinations which are theoretically possible with respect to the City of Lafayette and the City of the Town of Moraga and the community of Orinda are probably not now feasible. In Lafayette and Moraga municipal services are now being effectively rendered and the two cities are in a sound financial condition. Under such circumstances the residents of the two cities are unlikely to regard combinations favorably. Further, the long-time objection to consolidation, namely obscuring of community identities, still appears to be a strong barrier to merger action in Orinda as well as in Lafayette and Moraga.
2. Under the community services district arrangement, an autonomous entity with its own elected board could provide a wide range of services. This is not, however, a practical alternative because State subventions, which are available to cities, are not allocated to community services districts on a comparable basis and such districts do not have the stature and prestige of cities. It may be noted that the unincorporated community of Kensington (in the western area of Contra Costa County), which has for many years provided its own police protection services with an autonomous community services district governed by a board elected by the voters of the community, recently took action to become an incorporated city and to dissolve its community services district. It should be noted, however, that the incorporation move failed.

The community of Orinda has proceeded to initiate actions permitted by law to obtain additional services -- not as an alternative to the retention of its unincorporated community status and not as an alternative to its incorporation as a city. It has promoted the establishment of County service areas to provide recreation programs, to supplement County police protection services, and to furnish street lighting and street sweeping services. In addition, the community with the concurrence of the Board of Supervisors arranged to substitute a local planning commission for the County planning commission. Other unincorporated community service supplements might be provided through service area arrangements depending upon community needs and desires but contingent upon the restrictions imposed through the voted approval of Proposition 13; additional tax levies for service areas may not be possible under current circumstances.

II. BOUNDARIES OF PROPOSED CITY

Intensive consideration was given to the matter of the boundaries of Orinda as a city by the incorporation study committee of The Orinda Association in 1973. In the committee deliberations the matter was reduced to three options; these are described in the following subparagraphs:

1. Fixing city boundaries so as to conform with those of the location map used for planning purposes when the Orinda General Plan was adopted in early 1973 as indicated in the Preface to this report; this choice was termed Option B by the committee. A copy of the planning location map is included in this report as Exhibit I. The Orinda area and road mileage for this option were as follows:

Area of proposed city in square miles	20.6
Road length in miles	
Arterial	17.9
Collector	20.1
Minor	<u>62.4</u>
Total	100.4

2. Fixing city boundaries so as to match those of the Orinda Union School District; this choice was termed Option C by the committee. Exhibit II shows the territorial jurisdiction of the school district. The Orinda area and road mileage for this option were as follows:

Area of proposed city in square miles	26.6
Road length in miles	
Arterial	20.5
Collector	20.1
Minor	<u>62.4</u>
Total	103.0

3. Fixing boundaries so that the area of the proposed city was significantly less than it would be under Options B and C; this smaller area choice was designated as Option A and is illustrated in Exhibit III following. The Orinda area and road mileage for this option were as follows:

Area of proposed city in square miles	13.5
Road length in miles	
Arterial	9.4
Collector	18.9
Minor	<u>62.4</u>
Total	90.7

The boundaries as outlined in Option A were recommended to The Orinda Association as the most desirable for incorporation purposes by its 1973 study committee. It was pointed out that the recommended city area excluded:

1. Certain watershed properties of the East Bay Municipal Utility District over which the district would continue to exercise control whether or not Orinda was incorporated.
2. Certain rough terrain difficult of development with respect to building slope problems and in terms of difficulties involved in providing water and sewage services.
3. Sparsely settled areas relatively remote from the core of the Orinda community.

It was also pointed out that the boundaries as outlined in Option A were decided upon after consultation with County staff personnel who did not find the limits to be objectionable.

It was acknowledged by the committee that the proposed city boundaries were drawn back from those outlined in Options B and C for economic reasons particularly to exclude areas not productive in terms of revenues versus expenditures and to diminish road mileage and its corresponding costs. The selected Option A had an area 7.1 square miles less than Option B and 13.1 square miles less than Option C. The chosen Option A had a road length of 9.7 miles less than Option B and 12.3 miles less than Option C.

For purposes of this report Option A has been accepted, with exceptions indicated later, as a basis for evaluating the feasibility of the incorporation of Orinda. This acceptance is based upon the following observations:

1. The 1973 study committee deliberated carefully on the subject of proposed city boundaries and apparently at that time its findings were regarded as satisfactory although the matter of incorporation was subject to considerable pro and con discussion.

2. Between 1973 and the present time conditions have not changed sufficiently to warrant detailed boundary investigations for the purposes of this report.
3. If another incorporation move is considered in Orinda, the matter of city boundaries will again be subject to scrutiny in hearings and there will be input from persons with varying views.
4. The basic question to be decided, if there is strength in the sentiment in favor of incorporation, is whether Orinda should become a city and not whether its boundaries should be fixed in perpetuity.
5. If Orinda incorporates, it will be required to establish a sphere of influence exterior to its boundaries and within that sphere, when approved, Orinda should not be contested by other cities with respect to annexations which become desirable.

The proposed Orinda city area and road mileage as they existed when Option A was selected in 1973 as the most appropriate have since been modified to some extent.

1. When Moraga incorporated it included within its city limits a small triangular area of 0.2 of a square mile which had been a part of the southeastern corner of the proposed city of Orinda; this triangular area is shown in Exhibit III.
2. Since the matter of incorporating Orinda was considered in 1973, two and one-tenth (2.1) miles of minor roads have been added to the road mileage within the proposed city limits.

The area and road mileage for the proposed city of Orinda, as adjusted by the changes indicated in 1. and 2. immediately above, are now as follows:

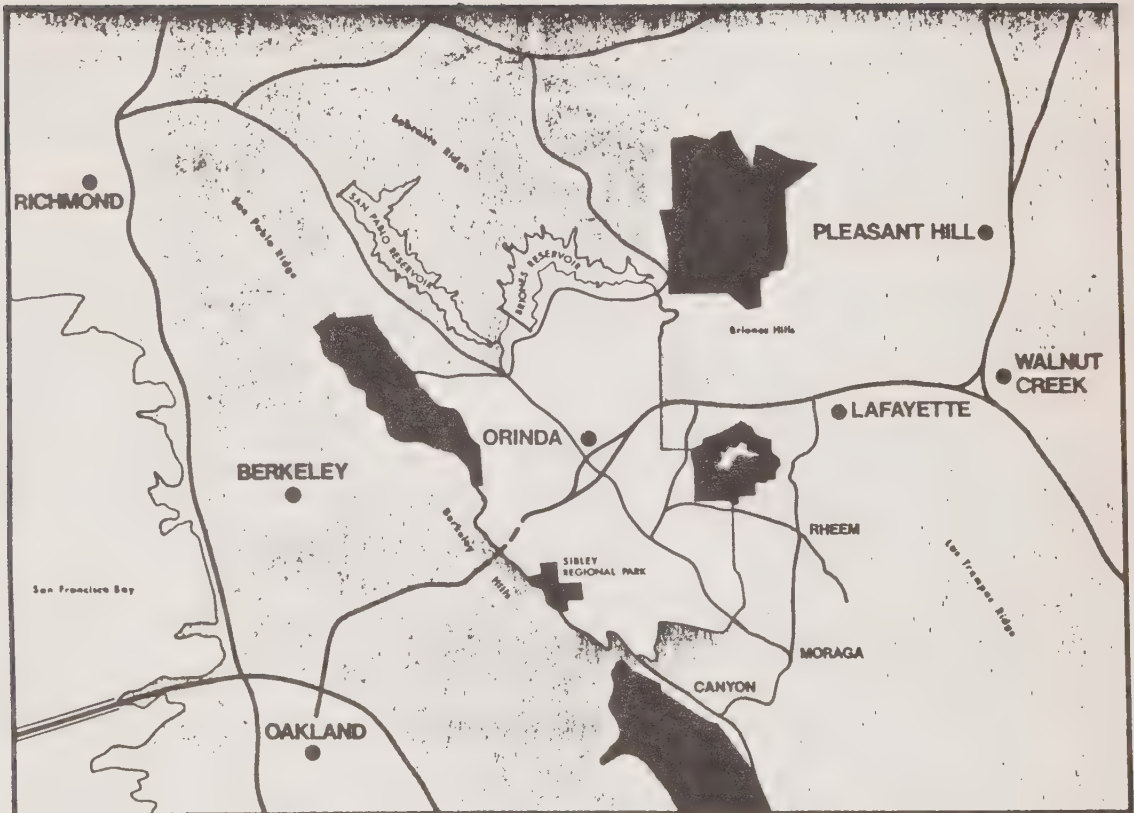
Area of proposed city in square miles	13.3
Road length in miles	
Arterial	9.4
Collector	18.9
Minor	<u>64.5</u>
Total	92.8

No action was taken by the incorporation study committee of The Orinda Association in 1973 to have the area recommended for incorporation described in metes and bounds. Apparently it was decided that the precise delineation of

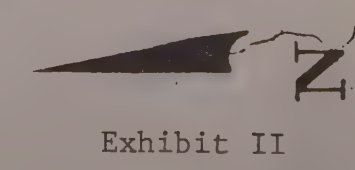
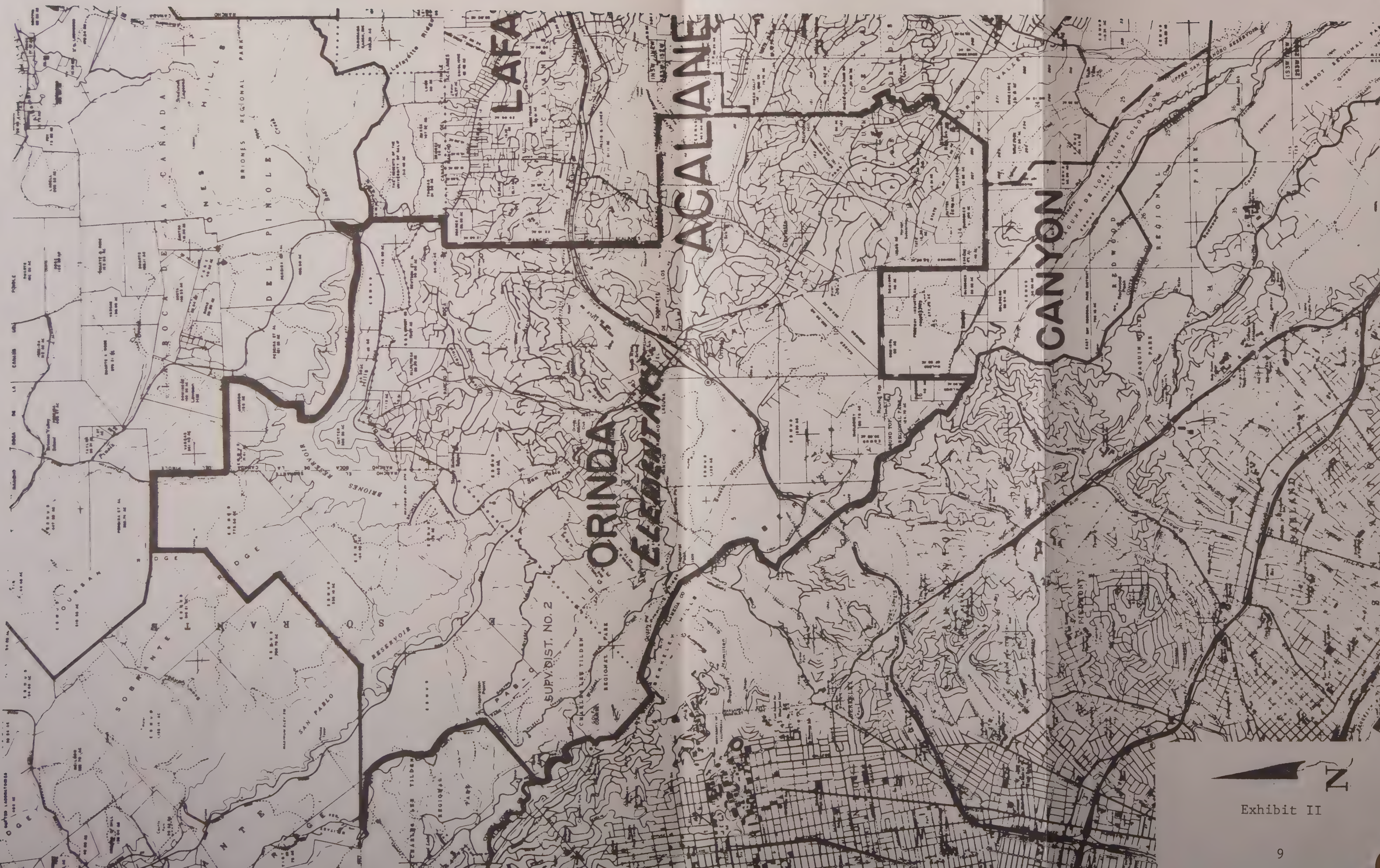
the proposed city limits should await input at public hearings and possible resultant changes; the incorporation move was abandoned before metes and bounds were determined.

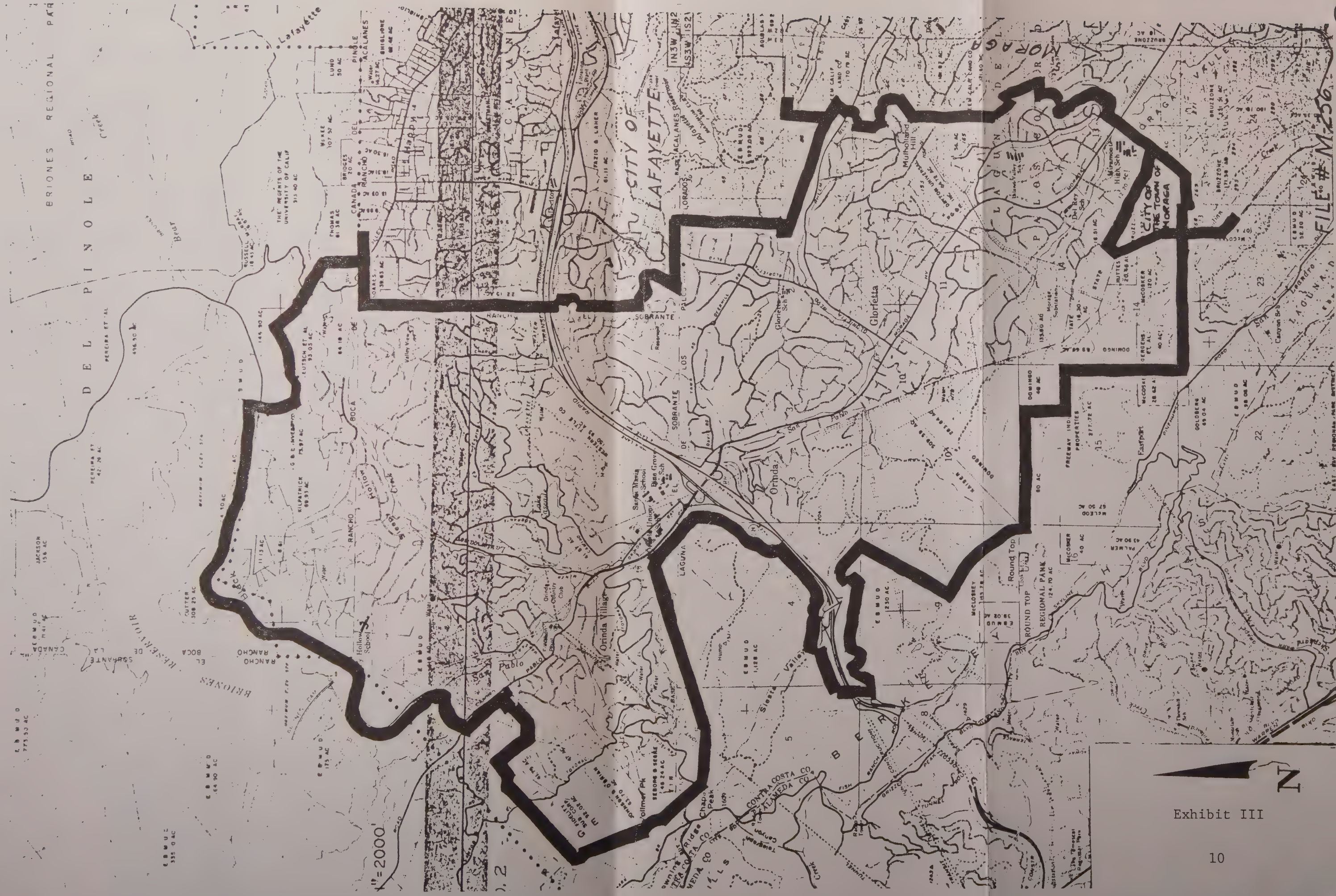
It is the opinion of the writers of this report that the proposed city limits should not be described in metes and bounds until it is ascertained if there is sufficient support for another incorporation move. If there is, suggestions as to the determination of metes and bounds on an economical basis can be made.

Exhibit I



The planning area covers approximately 20.6 square miles of area and is bounded by the Berkeley Hills and Alameda County line on the west, the City of Lafayette on the east, the Briones Reservoir and Wildcat Creek Road on the north, and the City of the Town of Moraga on the south.





III. ARGUMENTS FOR AND AGAINST INCORPORATION

The relative merits of incorporation versus retention of unincorporated status are invariably discussed at length, sometimes vociferously, when city status for a California unincorporated community is proposed. Frequently the stimuli for incorporation are:

1. Intermittent dissatisfaction with planning and zoning decisions of the county board of supervisors.
2. A desire to have police services at a level above that which is normally provided by the office of the county sheriff.

Both of these factors have been incentives for a city of Orinda. Although the community now has its own planning commission, those decisions are subject to reversal by the County Board of Supervisors, and police services have been augmented by establishing County Service Area P-4 as a means of financing extra protection to residents and businesses.

The following points have often been argued by proponents and opponents regarding incorporation proposals for Orinda:

1. Proponents assert that property tax increases will not result. Those who desire to remain an unincorporated area insist that city status invariably results in higher property tax levies. This question is now essentially non-debatable because of the passage of Proposition 13 (Article XIII A of the California Constitution) which fixes tax levy levels through tax rate restrictions and valuation limitations and which subjects counties and cities and special districts to rigid tax levy controls. Incorporation in terms of property tax levies now involves county transfers of such revenues to new cities. It should be noted, however, that a community in an unincorporated status may obtain additional revenues with the endorsement of the county board of supervisors and by voted approval of its residents, such as was done in the case of Orinda County Service Area P-4 to finance more intensive police services. A city with the approval of its city council and the favorable vote of its electorate can take similar action.
2. Opponents sometimes object to city status on the grounds that another layer of government is established with concomitant additional bureaucratic controls and

costs; a corollary may be that incorporation proposals reflect the political ambitions of persons who wish to be elected or appointed to local government offices. Proponents point out that this new municipal agency will be a city government headed by a council of five members who will be city residents elected by city residents and who will be close to their constituents and responsive to their desires. Proponents also assert that there will be few appointed city officials and city staff will be modest in number, and in that respect and in terms of qualifications will be subject to local management controls. Proponents also draw attention to the fact that city employees will be taking over County functions, thus permitting the County to redeploy its forces, making employee transfers to fill vacant jobs, and diminish staff through resignations and retirements, and if necessary, through cancellation of positions.

3. Proponents cite situations in which community judgments on planning and zoning were not accepted by County officials and that proposals which lacked community support were approved at the County level where broader area interests were endorsed; proponents also state that in some cases the actions taken have been so objectionable that relief through court action has been sought. Opponents express general approval of County planning policies and actions and claim that the community in an unincorporated status is usually able to obtain the planning and zoning results desired by its residents, and will continue to be able to do so.
4. Opponents indicate concern over the fact that the community upon becoming a city will lose the traffic enforcement services of the California Highway Patrol on local roads and in lieu thereof must render this service as a costly city function. Proponents respond to this argument by noting that the primary function of the California Highway Patrol is the patrolling of State highways and that this function will be continued on State highways within the community whether it becomes a city or remains in an unincorporated status. Proponents add that the community as a city will be able to control and render the traffic enforcement on local roads in a satisfactory and economical manner.
5. Proponents urge incorporation to assure the identity of the community within defined city boundaries and subsequently the establishment of adjacent spheres of influence into which no other city may logically intrude by annexation actions. Proponents also declare

that it is important for the community to attain the prestige of a city and be able to deal directly with Federal, State, and other local governments. Opponents disparage such reasoning, state that the community is well known and respected in its unincorporated status, and that the County government can and does obtain for the community the advantages which the proponents claim can only be guaranteed through incorporation.

6. Opponents declare that it is financially hazardous for the community to incorporate and become directly responsible for expensive functions which the County performs for unincorporated areas. They emphasize, as an example, the repair and maintenance of community roads which require constant attention. Proponents reject this view and point out that the community, as a city, becomes eligible for regular Federal and State financial support which will provide a substantial proportion of the budgetary requirements of the new city, and state further that incorporation would not be proposed unless financial feasibility were demonstrable. They add that the County financial requirements for social programs (welfare, hospital, health, and probation) absorb an increasingly large proportion of the annual County budget and leave a smaller amount of funds available for municipal-type functions such as public works and police protection which the County provides for unincorporated areas.
7. Proponents place emphasis on the latitude which the community as a city would have to select and provide the type and strength of police services desired by the residents and businesses. They say that the new city might organize its own police force operating under the direction of a chief responsible to its city manager and through him to its city council, that with its own police department it could provide for back-up police services by mutual aid agreements with other jurisdictions having police agencies, that it might contract for police services with the Office of the County Sheriff (as in the case of the City of Lafayette), that it might contract for such services with the East Bay Regional Park District (as in the case of the City of the Town of Moraga), or that it might join with the City of Lafayette and/or the City of the Town of Moraga for inter-city police protection. Opponents discount the latitude argument and make known that in their opinion the existing arrangements for the provision of community police services through the use of Orinda County Police Service Area P-4 are fully satisfactory; they also stress the fact that the community voted

strongly in favor of obtaining additional financing for the P-4 Service Area by means of assessments upon residential and business properties, and further state that most of the police service options cited by the proponents are available to the community in an unincorporated status.

8. Opponents inquire why there is an urge on the part of the proponents to establish a city when there is a general satisfaction with County management of the community under the status quo and when incorporation proposals in past years have been turned down, either through informal community resistance or by actual voted disapproval. Proponents answer by averring that there is not widespread contentment with the present state of affairs, that conditions are different than at the earlier times of incorporation proposals, and that communities in the County with lesser populations have found it desirable to incorporate and have done so, and all of them have operated successfully as cities. Proponents also stress the fact that distinct advantages will accrue to the community with the stature of a city, and that among the benefits will be the placement of its mayor on the City Selection Committee (composed of the mayor of each of the cities in the County), thereby obtaining a voice in naming elected city representatives to the governing bodies of certain regional agencies and also the Local Agency Formation Commission. Further, its mayor and other city council members could serve as members of those regional agency governing bodies and of the Local Agency Formation Commission subject to appointment action by the City Selection Committee.
9. Proponents emphasize rapid Contra Costa County growth and the increasing number of supervisorial district residents that each member of the Board of Supervisors must represent for their district, now approximately 140,000, as well as the total population of the County; the proponents then point out that the community in city status would have five elected general government officials, namely city council members who in combination would be representing roughly 17,000 residents. Opponents reply to the diminishing representation argument by asserting that they not only have ready access to all five members of the Board of Supervisors, but also to all other elected officials of the County, and further that the problems to which they seek solutions are frequently directed straight to County department heads for review and answers. They also say that their representation is not really dependent upon

one or more of five County supervisors, and point to much larger populations in California counties which also have a governing body comprised of five county supervisors, as do all California counties except the City and County of San Francisco.

It is obvious that rational arguments can be presented to support or to oppose the incorporation of Orinda. Further, it is apparent that both proponents and opponents to city status believe the positions which they take are compelling in the interest of the community. If it is determined that there is strength in numbers among those who wish the community to become a city, the issue should be decided by the voters of Orinda.

IV. STATUS OF EXISTING AGENCIES

The community of Orinda is now provided with services and subject to controls by a number of regional and local governmental agencies. Many of the services and controls would continue to apply if the residents of Orinda voted in favor of incorporating their community as a city.

REGIONAL ENTITIES

The community of Orinda lies within the territorial jurisdiction of a number of regional entities; these include the following:

1. The San Francisco Bay Area Rapid Transit District, which is comprised of the counties of Alameda and Contra Costa and the City and County of San Francisco, and which furnishes rail mass transportation services to many cities and unincorporated communities, including Orinda. The district also provides limited feeder bus service between some of its rail rapid transit stations and population centers not located on its rail lines. The district is an autonomous entity with its own elected board of directors consisting of nine members.
2. The San Francisco Bay Area Air Quality Management District which is responsible for air pollution control in practically all of the territory of the nine Bay Area counties, including Contra Costa County and Orinda. The district is essentially an autonomous entity although its board of directors is comprised of county supervisors named by the board of supervisors in each of the nine Bay Area counties and mayors or city councils named by a city selection committee in each of the nine Bay Area counties; the city selection committee in each county is comprised of the mayors of all the cities in the county. The City and County of San Francisco representatives on the board of directors are members of its board of supervisors; one is named by the board of supervisors and one is named by the mayor. The total number of members on the board is eighteen.
3. The East Bay Regional Park District which encompasses most of the area of Alameda and Contra Costa Counties; it has acquired extensive park areas in both counties including two regional parks, Tilden and Briones, in close proximity to Orinda. In conjunction with park operations the district conducts a large number and variety of recreational programs. The district is an

autonomous one with its own elected board of directors of seven members.

4. The East Bay Municipal Utility District which covers a large part of both Alameda and Contra Costa Counties. The district provides potable water to residents within its boundaries and also furnishes sewage service to the eastern Alameda County area within its boundaries. It also engages in recreation programs through limited use of its water supply reservoirs. The district is autonomous and has its own elected board of seven members.
5. The Metropolitan Transportation Commission which has jurisdiction within the limits prescribed by State law for planning, programming, coordination and financing for transportation (airports, rail and bus mass transit, bridges, harbors and highways) in the nine Bay Area counties. The commission decides upon allocations of Federal and State monies for transportation (primarily rail and bus transit and highways) made available annually through Federal and State appropriations. MTC is given policy direction by an eighteen member panel. The region's five most populous counties are each represented by two commissioners; the four other counties each have one commissioner. Two members represent regional land use planning agencies, the Association of Bay Area Governments and the Bay Conservation and Development Commission. In addition, the California Department of Transportation and the U. S. Department of Transportation are each represented by a non-voting member.
6. The Association of Bay Area Governments is not a governmental entity but it has important regional responsibilities which include long-range planning for the Bay Area and service as an "A-95" agency for the Federal government. In its role as an "A-95" agency, it reviews all requests by Bay Area counties and cities for Federal grants and recommends approval or disapproval to the appropriate Federal agency. The association is organized by joint powers agreement between the member counties and cities. The recent membership has included seven counties and eighty-six cities. Two counties (Napa and Sonoma) are non-members and five cities (Atherton, Hillsborough, Monte Sereno, Rio Vista, and Yountville) are non-members. The association is financed by member fees and assessments and by Federal and State grants. It is governed by a general assembly comprised of a county supervisor appointed by each of the boards of supervisors of the seven member counties and a mayor or councilman appointed by each of

the city councils of the eighty-six member cities. The general assembly makes major policy decisions for the association, such as the determination of the type and scope of planning studies to be made by its professional staff and the review and approval of the annual budget of the association, but leaves to an executive board and an executive director responsibility for the implementation of policies and for monitoring and supervision of planning work and related administration. The members of the executive board are named, pursuant to the by-laws of the association, by boards of supervisors, city selection committees, city councils, and the mayor of San Francisco; the immediate past president of the association is automatically an executive board member and is the president of the board. The by-laws of the association prescribe the number of executive board members to be named to represent the counties and cities; attention is given to their size so that all jurisdictions are appropriately represented in terms of population. The executive board has thirty-four members, all of whom are elected officials (county supervisors, city mayors, and city councilmen) except one member who is an appointed public official and who is named by the mayor of San Francisco.

The incorporation of the community of Orinda would not affect the status of the San Francisco Bay Area Rapid Transit District, the East Bay Regional Park District, and the East Bay Municipal Utility District which operate autonomously and serve both city and unincorporated areas. Should Orinda incorporate, its mayor would be a member of the Contra Costa City Selection Committee and would have a voice in naming a Contra Costa city mayor or councilman to serve on the board of directors of the San Francisco Bay Area Air Quality Management District; Orinda as a city would be eligible to have its mayor or one of its city councilmen so named by the Contra Costa City Selection Committee. On the same basis, Orinda as a city would have a voice in naming a representative to be a member of the Metropolitan Transportation Commission and with the endorsement of the Contra Costa City Selection Committee the mayor of Orinda, or one of its councilmen, would be the commission member. Also, as a city, Orinda could have its mayor, or one of its councilmen, serve as a member of the general assembly of the Association of Bay Area Governments and, with the approval of the Contra Costa City Selection Committee, could have one of its councilmen or its mayor named as a member of the executive board of the association.

LOCAL AUTONOMOUS SPECIAL DISTRICTS

The community of Orinda lies within the boundaries of several local autonomous special districts and receives services from them; these districts are as follows:

1. The Central Contra Costa Sanitary District which provides sewage collection, treatment, and disposal service to a large mid-County and east central area of Contra Costa County. The district has its own five member elected board and operates independently.
2. The Contra Costa Mosquito Abatement District conducts programs for the control of mosquitoes and other insects and engages in educational activities aimed at acquainting property owners of the ways and means to control insect pests on their own premises. The district covers all of the County except a small eastern area which is provided with mosquito abatement service by another entity. The district is governed by a board comprised of fifteen members. The city council of each of the fourteen cities (all the cities in the County except Brentwood) encompassed by the district appoints a city resident to the board and the County Board of Supervisors appoints a resident of the unincorporated area lying within the district to the board. The district operates as an independent agency.
3. The Contra Costa Resource Conservation District, which is a County-wide entity, develops programs for soil and water conservation and engages in soil surveys and the production of land capability maps. The district also provides professional advice to the County and the cities in the County on land use plans and to farmers and others on the best use of their land holdings. The district is governed by a five member elected board and operates autonomously.
4. The Mount Diablo Community Hospital District operates a modern hospital facility in Concord and provides a wide range of out-patient and in-patient services to Diablo Valley residents. The district is governed by a five member elected board and operates autonomously.

The incorporation of Orinda would not affect the status of any of the four local autonomous special districts except that if Orinda did become a city its city council could appoint a city resident to the governing board of the Contra Costa Mosquito Abatement District.

COUNTY SPECIAL DISTRICTS

The community of Orinda is provided with services by a number of County special districts which operate under the control of the Contra Costa County Board of Supervisors. These districts are as follows:

1. The Orinda Fire Protection District which provides fire protection and firefighting services within a territory comprised of all of the area of the proposed city of Orinda plus some additional unincorporated area. The district is governed by a five member commission which is appointed by the Board of Supervisors and to which it has delegated most of its fire protection responsibilities; one of the prerogatives retained by the Board of Supervisors is approval of the district annual budget.
2. The Contra Costa Flood Control and Water Conservation District which is responsible for the design, construction, and maintenance of facilities to control flooding by major streams in the County; zones reflecting boundaries of watersheds have been delineated by the district for flood control planning and financing purposes. The district also has responsibility for eliminating local area flooding; this function is performed by forming storm drainage zones for facility design and financing purposes. In addition, the district has developed standards for drainage with which the developers of new subdivisions must comply. The district is a County-wide entity and the governing body is the Board of Supervisors. The professional staff of the district operates as a division of the County Public Works Department.
3. The Contra Costa County Storm Drainage District is a County-wide entity which may provide and maintain local area drainage systems to relieve flooding caused by rainstorms. The district operates by establishing zones for design, construction, maintenance, and financing purposes. The governing body of the district is the Board of Supervisors, and the professional staff of the County Public Works Department provides services for the district as required.
4. The Contra Costa County Water Agency is a County-wide district with the exception of the territory of several small irrigation districts in the eastern area of the County. The agency has broad powers with respect to water supply but its principal functions have been research and reporting aimed at protecting the County

water interests which have been jeopardized by increasing salinity in the Sacramento River and by diversion of water away from the Delta region. The governing body of the agency is the Board of Supervisors. The professional staff of the agency operates as an organizational unit of the County Public Works Department.

City status for Orinda would not affect the operations of County special districts except that action might be taken in conjunction with incorporation procedures to make fire protection a city function and dissolve the Orinda Fire Protection District. Such action is considered undesirable as a part of an incorporation move. The fire district is rendering satisfactory service, its area is not congruent with the area of the proposed city, and it is separately financed. Also, attention is now being given to the consolidation of the district with the Contra Costa ("Consolidated") Fire District. It is deemed advisable that a decision on the incorporation of Orinda be made independent of complicating issues. If Orinda incorporates, the matter of fire protection as a district or municipal function can be considered after it becomes a city.

COUNTY SERVICE AREAS

The County of Contra Costa has used the county service area system extensively in providing extra services to unincorporated community residents desiring them and willing to pay for them through the imposition of additional ad valorem taxes. Service areas are essentially taxing areas under the control of the Board of Supervisors and in which special services are rendered by the appropriate County department with its own personnel or under contract. It is the usual practice of the Board of Supervisors to name a local advisory committee to furnish advice and recommendations on service area operations. A number of service areas have been established for the Orinda community; the active ones are as follows:

1. County Service Area R-6 provides a wide range of park and recreation programs for local area adults and children. The service area, after approved detachments, now lies within the proposed city of Orinda. The operations of the service area are financed with revenues from property taxes, recreation fees, and rentals.
2. County Service Area P-4 provides extra police protection for the community of Orinda. The additional service is rendered by the Office of the County Sheriff and supplements the normal service provided by that

office in unincorporated communities. The service area, after approved detachments, now lies within the proposed city of Orinda. The operations of the service area have been financed with revenues derived from property taxes. In an election held recently the voters residing in County Service Area P-4 cast ballots by more than the necessary two-thirds majority to impose a special levy (assessment per type of structure) to supplement property tax revenues so that more intensive police services might be financed.

3. County Service Areas M-9, M-11, and M-19 were established to pay for miscellaneous services desired in three relatively small sections of Orinda. The services include one or more municipal type functions (such as street lighting, landscaping, street sweeping, and utility line changes). The service area work is performed by County forces or under contracts administered by the County. All three of these service areas are within the boundaries of the proposed city of Orinda. The operations of the service areas are financed with revenues derived from property taxes.
4. County Service Area L-42 was established to provide street lighting service in a number of relatively small non-contiguous areas in the central area of the County, including an area which lies within the boundaries of the proposed city of Orinda. The operations of the service areas are financed with revenues derived from property taxes. The service is rendered by the Pacific Gas and Electric Company under agreement with the County. Payment is made on a fixed charge per light basis; the charge per light covers all elements of cost (energy, maintenance and capital costs).

County service areas which lie completely within a community which is incorporated as a city are subject to dissolution action. When and if the voters of Orinda approve incorporation and the Local Agency Formation Commission sets the official date of the incorporation of the community, County Service Areas M-9, M-11, M-19, P-4, and R-6 would cease to exist and the functions of these service areas would become responsibilities of the new city.

The portion of County Service Area L-42 which lies within the boundaries of the new city, if Orinda incorporates, could be continued in existence provided that such action is endorsed by the council of the new city, the Local Agency Formation Commission, and the Board of Supervisors. As indicated later, it is probably preferable to dissolve the portion of the service area within the new city.

One of the courses of action with respect to the cited portion of County Service Area L-42 and County Service Areas M-9, M-11, and M-19 would be to convert them by city council action, if Orinda incorporates, to one or more assessment districts (with zones as required) under the provisions of the California State Landscaping and Lighting Act of 1972. If this is done, the street lighting function of the dissolved service areas and some (if not all) of their other functions could be continued with payment for them to be made by the benefited property owners on an assessment basis equivalent to the ad valorem tax procedure now in use. It may be noted that through the operation of County Service Areas L-42, M-9, M-11, and M-19 a total of one hundred eighty-five street lights are provided to the Orinda community at an annual cost of approximately \$17,000.

Further reference is made in Chapter V. REQUIRED MUNICIPAL SERVICES AND FINANCIAL FEASIBILITY to the service and economic situation pertaining to the County service areas cited above.

SCHOOL DISTRICTS

Two school districts provide service to the community of Orinda. Each of them is governed by a five member elected board. One is the Orinda Union School District which serves students in grades one through eight. The other is the Acalanes Union High School District which includes the cities of Lafayette and Walnut Creek, the City of the Town of Moraga and the unincorporated communities of Orinda and Canyon. The graduates of five elementary school districts (Canyon, Lafayette, Moraga, Orinda Union, and Walnut Creek) obtain their high school education in the Acalanes district high schools. The incorporation of Orinda would have no effect on the present elementary and high school educational arrangements.

COUNTY SUPERINTENDENT OF SCHOOLS

AND

COUNTY BOARD OF EDUCATION

The County Superintendent of Schools, who is elected to office on a County-wide vote, directs an office which provides on a centralized basis special services to school districts (particularly the smaller school districts), engages in educational research, monitors certain phases of school district administration (such as the credentials of school teachers), conducts educational programs for the physically handicapped and the mentally retarded, operates vocational training projects with the objective of qualifying idle youths for employment in specific trades and

services, and operates schools for children detained in the juvenile institutions of the County probation departments.

The County Board of Education has seven members who are elected to office by districts. The board exercises control over the policies and budget of the office of the county superintendent of schools, has overall responsibilities related to school district curricula, and hears appeals on inter-district transfers of students and district expulsion of students.

The Board of Supervisors does not have jurisdiction over the County Superintendent of Schools or the County Board of Education except that its approval of tax levies for some educational programs is required.

The prerogatives of the County Superintendent of Schools and the County Board of Education would not be affected by the incorporation of Orinda.

COLLEGES

All of the area of the County of Contra Costa is included in the Contra Costa Community College District which provides higher education to students enrolled in its three colleges, namely Contra Costa College located in San Pablo, Diablo Valley College located in Pleasant Hill, and Los Medanos College located in Pittsburg. Full-time students graduate after successfully completing two years of study; part-time students are awarded certificates upon the successful completion of the particular courses which they select for advance training. The Community College District is governed by a board of five members who are elected by wards. The incorporation of Orinda would not affect the status of the district.

It is worthy of note that Orinda is the site of John F. Kennedy University, a private institution governed by its own board of regents. The University, inclusive of its law school, is accredited and has made rapid strides in recent years in terms of the improvement and diversity of its curricula, the caliber of its teaching staff, and its enrollment. The status of the University would not be affected by the incorporation of Orinda.

It should also be noted that Orinda is adjacent to the incorporated City of the Town of Moraga which is the site of Saint Mary's College of California, a nationally-known accredited private institution which was originally founded in Oakland, California in 1863. The college offers four year courses in a variety of curricula with emphasis on

liberal arts. The college is governed by its own board of regents.

COURTS

The incorporation of the community of Orinda would not affect the jurisdiction and the operation of the Superior Court in Contra Costa County.

The community of Orinda and the proposed city of Orinda are within the territorial jurisdiction of the Walnut Creek-Danville Municipal Court. This court would not be affected by the incorporation of Orinda except that enforcement of traffic laws and regulations within the new city (other than on State Highway Route Number 24) would be a local police rather than a State Highway Patrol responsibility; this shift means that the local police will cite into the court persons responsible for traffic violations on city streets. As a city, Orinda would be the recipient of a share of municipal court revenues in proportions prescribed by State law.

CONTRA COSTA COUNTY

If the community of Orinda votes for incorporation, the County of Contra Costa would continue to provide its full services to the new city until the official date of incorporation of the community as fixed by the Local Agency Formation Commission.

Beginning with the official date of incorporation, the County of Contra Costa would discontinue the following County services which it now provides to the community:

1. Local government controls exercised by the Board of Supervisors with respect to the discontinued services.
2. The functions of the Orinda Area Planning Commission appointed by the Board of Supervisors and the support services provided by the County Planning Department.
3. The regular police services of the Office of the County Sheriff.
4. The services provided by the County Department of Public Works except as noted later.
5. The services provided by the County Administrator.
6. The financial controls and services provided by the County Auditor-Controller.

7. The treasury functions provided by the County Treasurer-Tax Collector.
8. The services provided by the County Civil Service Commission and the support provided by the County civil service staff.
9. The services provided by the County Retirement Board.
10. The services provided by the County Counsel.
11. The services provided by the County Building Inspection Department.
12. The services provided by the County Office of Emergency Services.

In connection with the discontinued County services outlined above, the following actions by the council of the new city, if Orinda incorporates, may be desirable or necessary on either an interim or a continuing basis:

1. The city might contract with the County for planning department services to support the planning commission which the city council must appoint.
2. The city might contract with the County for regular police services to be provided by the Office of the County Sheriff.
3. The city might contract with the County for public works services.
4. As previously indicated, the portion of County Service Area L-42 which lies within the boundaries of the new city and County Service Areas M-9, M-11, and M-19 which lie entirely within the boundaries of the new city might be alternatively converted to assessment districts.
5. The city should contract with the County for building inspection services. The County has an excellent Building Inspection Department which is staffed with personnel experienced in construction components (such as general construction and plumbing, heating, and electrical work). Efforts should be made with the County on the basis that it will be compensated for its inspections services through the retention of inspection fees.

On a cooperative basis the County would undoubtedly be willing to assist the new city, if Orinda incorporates, within reasonable limits utilizing the services of County agencies whose services would otherwise be discontinued. On this basis the County Board of Supervisors, County Administrator, County Sheriff, County Planning Department, County Auditor-Controller, County civil service staff, and Office of Emergency Services as well as other County organizational units would try to be helpful. It should be noted that the Office of County Treasurer-Tax Collector would provide tax collection services without charge for the new city as it does for other cities in the County. It should also be noted that there is a potential for the inclusion of employees of the new city in the County retirement system; such inclusion would require the approval of the city council of the new city, the County Retirement Board, and the County Board of Supervisors. It is inappropriate for the County Counsel to provide legal advice to the new city and prompt action should be taken by the city council to make arrangements for legal services.

The County of Contra Costa would continue without interruption to provide services and exercise controls for the new city with respect to functions which are rendered on a County-wide basis, either as prescribed by law or dictated by custom with city-county agreements; the County agencies and services and controls include the following:

<u>Organizational Unit</u>	<u>Function</u>
Board of Supervisors	Legal responsibilities and overall policy direction of County agencies.
County Administrator	Administrative direction of County agencies.
County Assessor	Appraisal and valuation services.
Assessment Appeals Board	Consideration of appeals from assessment determinations of the County Assessor and decisions on them.
County Treasurer-Tax Collector	Tax collection functions only.
County Clerk-Recorder	Clerk of Board of Supervisors and Clerk of Superior Court; registrations and

	elections, marriage license, passport, recording and vital statistics services.
District Attorney- Public Administrator- Public Guardian	Prosecutions of law violators; operation of family support collections and prosecution units and welfare fraud unit; settles estates of the deceased in certain cases; and serves as guardian for mentally incompetent persons when appointed by the Superior Court to do so.
Superior Court	The Superior Court holds trials in all civil cases involving large amounts of money and in all felony, probate, equity, juvenile, and insanity cases; hears appeals from the municipal courts; appoints the grand jury; designates the Juvenile Court judge who appoints the probation officer; conducts a conciliation service; and appoints key support personnel including a Court Administrator and Jury Commissioner.
Mount Diablo Municipal Court	The community of Orinda lies within the territorial jurisdiction of the Mount Diablo Municipal Court. This court hears small claims cases, civil cases involving less than \$10,000, and misdemeanor and traffic cases; in felony cases it holds preliminary hearings. Decisions of the court may be appealed to the Superior Court.
Public Defender	Provides defense in Superior and Municipal courts for

	alleged offenders who cannot afford to engage attorneys.
Sheriff-Coroner	Conducts investigations and inquests and makes laboratory tests to determine the cause of death of deceased persons in specific cases.
Probation Department	Provides pre-sentence investigations for the courts, supervises adult and juvenile probationers, and operates detention and educational institutions for juvenile offenders.
Department of Agriculture	Supervises the use of agricultural chemicals and the work of pest control operators; makes inspections to detect pests and to find plant diseases; conducts pest control programs and inspects crops and records crop statistics; and tests all commercial weighing devices (in the role of Sealer of Weights and Measures).
Animal Control Services	Operates two animal control centers for the care of lost dogs, sale or disposal of unclaimed animals, and as headquarters for animal control patrol service; conducts low-cost rabies clinics; and participates in dog licensing programs.
County Health Services	Provides public health nursing, immunization clinic, communicable disease control, and health education services; is responsible for environmental sanitation including food, water, sewage, and refuse disposal inspections; and maintains vital records.

Social Services Department

Administers extensive Federal, State and County assistance programs for the needy; provides adoption services; and is responsible for licensing foster homes, boarding homes, and day care centers for children.

Veterans Service Department

Aids veterans in obtaining benefits to which they are entitled under Federal and State laws and assists in the administration of programs for veterans.

County Library Department

Provides County-wide library services inclusive of all cities except Richmond (which conducts its own library program) by operating a central library (in Pleasant Hill) and an extensive system of branch libraries.

Agricultural Extension Service
(University of California)

Extends advisory and educational services to farmers, cooperates with the Farm Bureau, and participates in 4-H Club programs.

Public Works Department

The primary functions of the design, construction, and maintenance of roads and buildings would be discontinued if Orinda incorporates except that the department would continue its services in the case of County-owned buildings such as the County library. Subsidiary services like those made available through the operation of the County airport and in making triangulation surveys would not be suspended.

County Medical Services

Provides general medical care to indigents using

facilities which include a major hospital in Martinez and outpatient clinics in Martinez, Pittsburg and Richmond; provides special services which encompass emergency, premature infant, communicable disease, mental illness, and rehabilitation care for both indigent and paying patients; and operates a health maintenance organization to provide comprehensive medical care for enrolled participants as needed.

Department of Manpower
Programs

Directs training and employment programs (such as CETA) financed with Federal funds.

There are a number of other County agencies whose responsibilities are not affected by the incorporation of unincorporated communities and which may impact upon the prerogatives of new cities. These include the following:

1. The Grand Jury is empaneled every year by the Superior Court whose judges nominate thirty prospective jurors; nineteen of them are drawn by the County Clerk-Recorder and become jurors. The presiding judge of the Superior Court names the jury foreman and supervises its activities. The Grand Jury passes on indictments recommended by the district attorney, audits the financial records of the County by employing a private professional auditing organization, and reviews the effectiveness of County departments. The Grand Jury files its annual report with the presiding judge and the County Clerk-Recorder and it becomes a public record. Recommendations of the Grand Jury are subject to implementation at the discretion of the Board of Supervisors. Occasionally the Grand Jury gives attention to governmental entities other than the County government.
2. The Parole Board is a three member body comprised of the County Sheriff-Coroner, the County Probation Officer, and a citizen member appointed by the presiding judge of the Superior Court. The board has the authority to parole persons sentenced to County jail confinement prior to the expiration of their terms of punishment for sufficient reasons including good behavior.

3. The Juvenile Justice and Delinquency Prevention Commission is comprised of eleven citizens who are appointed by the Superior Court judge who serves as the Juvenile Court judge. The commission checks on the County implementation of State laws pertaining to juvenile offenders, makes inspections of the County facilities which are used to detain and rehabilitate juveniles, and participates in juvenile delinquency prevention programs with interested groups.
4. The Law Library is a specialized facility for the use of the courts and attorneys and which is made available for others such as prospective lawyers who are studying to pass Bar examinations. The Library is located in the Court House in Martinez and has a branch library in the Richmond County Building. The Library is operated under the jurisdiction of seven trustees; three of them are Superior Court judges named by the presiding judge of the Superior Court, two of them are Municipal Court judges selected by the judges of the four Municipal Courts in the County; and two of them are attorneys appointed by the Contra Costa County Bar Association. The trustees elect their own president. The Law Library is essentially autonomous; it is financed by an increment on filing fees paid by attorneys. A professional law librarian is employed for the administration of the Library activities.
5. The Family and Children's Services Advisory Committee is a fifteen member body appointed by the Board of Supervisors; committee members serve three year terms. Each of the five County supervisors names three lay members from their supervisorial district to the committee; one of the three persons named from each supervisorial district must be a public assistance recipient. The committee advises the Board of Supervisors and the director of the Social Services Department as to its appraisals of the County public welfare system; makes recommendations on system changes which are considered desirable in the interest of needs, effectiveness, and economy; cooperates with various groups interested in the improvement of welfare programs; and makes recommendations with respect to proposed changes in public assistance legislation.
6. The Local Agency Formation Commission is essentially an autonomous group which is responsible for appraising and ruling on the formation of new cities and special districts, establishment of spheres of influence for existing cities and special districts, and also such proposals as reorganizations, detachments, and

dissolutions. The commission is a five member body. Two of them are County supervisors appointed by the Board of Supervisors and two of them are city councilmen or mayors appointed by the City Selection Committee (Mayors' Conference). These four members appoint a fifth citizen member who may not be a person holding public office. The City Selection Committee also names an alternate member who must be a city councilman or mayor; the alternate serves in the place of either of the two regular city members when a matter concerning the city in which the regular member is a councilman or mayor is being considered. The term of office of all commission members is four years.

7. The Community Services Administration was established at a relatively recent date to bring under the direction of one County organization unit several programs which are financed for the most part with Federal funds; the programs are Community Action, Headstart, and Housing Services. The Community Action program is essentially the former economic opportunity activity. It is conducted under contract with community agencies in low income areas with the objective of mobilizing resources to combat the causes of poverty and promote self-sufficiency. An Economic Opportunity Council furnishes advice to the Community Services Administration on policy matters and situations of major concern related to the Community Action program. The Headstart program serves some 600 three to five year old children from low income target areas. Delegate agencies under contract provide school services with the objective of giving disadvantaged children, some of whom are handicapped, a head start when they enter public or private schools at the age of six. The Housing Services program involves minor home repairs to eligible families and also weatherization aimed at energy conservation. Several County agencies participate with the Community Services Administration in the Housing Services program in terms of its operation and obtaining funding sources. The overall scope of the work of the Community Services Administration is contingent upon the availability of Federal subventions which have been cut back in the past several years.
8. The Economic Opportunity Council was originally established to advise the Board of Supervisors on the operation of the Federally-financed Economic Opportunity program within the County, to assist in policy formulation for the program, and to aid in its administration. The council is now an integral part of the County Community Services Administration and advises

the Community Services Administration and the Board of Supervisors on the programs for low income persons which are conducted by that agency. The council is a thirty member body; ten members are public sector representatives appointed by the Board of Supervisors; ten members are private sector appointees of the Board of Supervisors; and ten members are low income persons elected from ten target areas (low income communities) within the County. The public sector members are elected public officials who include the members of the Board of Supervisors, the County Superintendent of Schools, and city councilmen from cities with low income sectors; these elected officials have alternates who may be public employees or lay persons and who are also named by the Board of Supervisors. The private sector members are persons who are representatives of private agencies in the County (such as social program agencies and industrial organizations) interested in community welfare and advancement. The low income members elected in target areas must be members of area councils established within the target sectors.

9. The Airport Land Use Commission is a seven member body, the members of which may be public officials or private citizens. Two members are named by the Board of Supervisors and two members are named by the City Selection Committee (Mayors' Conference); at least one of the latter two members must be a resident of a city adjacent to the County airport (Buchanan Field). Two members are named by the airport managers; one of them is selected by the manager of Buchanan Field and the other is named by the manager of the Antioch airport. The seventh member is a public representative named by the other six members of the commission. The objective of the commission is to encourage the growth of air commerce and to protect the airports from the encroachment of non-compatible land uses in the interests of the general public and the welfare of inhabitants in the vicinity of the airports. Commission members serve four year terms.
10. The Aviation Advisory Commission is an eleven member group appointed by the Board of Supervisors to serve four year terms. One member is named by each of the County supervisors, one member is named by the Concord city council, one member is named by the Pleasant Hill city council, one member is named by the Diablo Valley College, one member is named by the Airport Land Use Commission, one member is named by the fixed base operators located at the County airport (Buchanan Field), and one member is named by homeowners residing

in the vicinity of the County airport. The commission advises the Board of Supervisors on airport improvement, operational and safety requirements, and in this connection holds public hearings on matters of concern to airport users and persons residing in proximity to the airport.

11. The Solid Waste Commission is an eleven member group appointed to serve two year terms. The Board of Supervisors appoints one member directly and appoints one member upon nomination of each of the ten following public agencies or private organizations:

- One representative of the Mayors' Conference
- One consumer representative
- One private industry representative
- One representative of the western cities of the County
- One representative of the central cities of the County, excluding the city of Concord
- One representative of the city of Concord
- One representative of the eastern cities of the County
- One representative of the Central Contra Costa Sanitary District
- One representative of the West Contra Costa Sanitary District
- One representative of the other six sanitary districts in the County and the Valley Community Services District

It is the responsibility of the commission to advise the Board of Supervisors on solid waste matters generally and also to furnish advice on the administration and implementation of the County solid waste management plan.

12. The Central Contra Costa Transit Authority is an eight member body (with an alternate for each member) established under the provisions of joint power agreement approved by the Board of Supervisors on March 18, 1980. Each of the following public agencies appoints one member and one alternate:

- Contra Costa County
- City of Concord
- City of Clayton
- City of Lafayette
- City of Martinez
- City of the Town of Moraga
- City of Pleasant Hill
- City of Walnut Creek

The purpose of the authority is to implement and administer joint powers agreement which provides for the establishment of an integrated bus system in central Contra Costa County. The member of the authority (and their alternates) may be selected or appointed public officials or private citizens; their tenure of office is two years.

The foregoing twelve agencies are representative of many of the statutory or non-statutory groups which have been found to be necessary adjuncts of County government. The list is not fully comprehensive, however, and therefore there is attached as Exhibit IV a list of advisory boards, commissions, and committees which is complete and which also provides additional information such as appointments to County service area advisory committees and to certain special districts. This list is the index of the record of the Clerk of the Board of Supervisors on plural bodies, their functions, and their memberships.

EXHIBIT IV

List of Advisory Boards, Commissions, and Committees

Adult Day Health Planning Council
Contra Costa County Advisory Council on Aging
Contra Costa County Agricultural Resources Advisory
Committee
Airport Land Use Commission
Alamo-Lafayette Cemetery District (Board of Trustees)
Contra Costa County Alcoholism Advisory Board
Animal Services Advisory Committee
Assessment Appeals Board and Assessment Hearing Officers
Contra Costa County Aviation Advisory Committee

Bay Area Library Information System Lay Advisory Board
Brentwood Recreation and Park District (Board of Trustees)
Byron-Brentwood-Knightesen Union Cemetery District (Board of
Trustees)

Pilot Project for Prevention of Child Abuse and Neglect in
Out-of-Home Care Advisory Board
Correctional and Detention Services Advisory Commission
County Service Areas (Citizen Advisory Committees)
Drainage
 D-2 Walnut Creek area
 D-3 Antioch area
Library
 LIB-11 Oakley area
Miscellaneous
 M-8 Byron area
 M-11 Orinda area
 M-16 Clyde area
 M-17 West Pinole area
Parking
 P-1 Crockett area
Police
 P-2 Alamo-Danville area
 P-4 Orinda area
 P-5 Round Hill area
Recreation
 R-6 Orinda area
 R-7 San Ramon Valley area
 R-8 Walnut Creek area
 R-9 El Sobrante area

Regional Criminal Justice Planning Board

Delta Ferry Authority Board of Directors
Developmental Disabilities Area Board V

Diablo Valley Mosquito Abatement District (Board of Trustees)

Contra Costa County Drug Abuse Board

Economic Development Task Force

Economic Opportunity Council

Emergency Medical Care Committee of Contra Costa County

Family and Children's Services Advisory Committee

Fire Protection Districts of Contra Costa County

Bethel Island (Board of Fire Commissioners)

Brentwood (Board of Fire Commissioners)

Contra Costa County (Board of Fire Commissioners)

Crockett-Carquinez (Board of Fire Commissioners)

Eastern (Board of Fire Commissioners)

Moraga (Board of Fire Commissioners)

Oakley (Board of Fire Commissioners)

Orinda (Board of Fire Commissioners)

Pinole (Board of Fire Commissioners)

Riverview (Board of Fire Commissioners)

Tassajara (Board of Fire Commissioners)

West County (Board of Fire Commissioners)

Contra Costa County Flood Control and Water Conservation Districts

Drainage Area 10 West of Danville (Advisory Board)

Drainage Area 13 North and West of Alamo (Advisory Board)

Zone 1 Marsh Creek (Advisory Board)

Zone 3B Walnut Creek (Advisory Board)

Zone 5 Alhambra Creek (Advisory Board)

Zone 7 Wildcat Creek (Advisory Board)

Alternate Fuels Technical Advisory Committee

Health Maintenance Organization Advisory Board

Alameda-Contra Costa Health Systems Agency (Governing Board)

Alameda-Contra Costa Health Systems Agency (Governing Body)

Alameda-Contra Costa Health Systems Agency (Contra Costa Council)

Hospice Policy Body

Advisory Housing Commission

County-wide Housing and Community Development Advisory Committee

Housing Element Advisory Committee

Human Services Advisory Commission

Contra Costa County Justice System Subvention Program Advisory Group

Contra Costa County Land Use Regulation Procedures Advisory Group

Contra Costa County Law Library (Board of Trustees)

Loan and Grant Review Panel Second Year Community
Development Rehabilitation Program
Local Agency Formation Commission

Contra Costa County Manpower Advisory Council
Youth Committee of the Manpower Advisory Council
Maternal, Child, and Adolescent Health Advisory Board
Contra Costa County Mental Health Advisory Board
Richmond Community Mental Health Center Governing Board
Contra Costa County Merit Board
Mobile Home Advisory Committee
Contra Costa County Mosquito Abatement District No. 1 (Board
of Trustees)

Oakley-Bethel Island Wastewater Management Authority (Board
of Trustees)
Contra Costa County Off-Highway Vehicle Recreation Authority
Citizens' Advisory Committee
Orinda Area Planning Commission
Overall Economic Development Program Committee

Paratransit Coordination Council of Contra Costa County
Contra Costa County Planning Commission
Private Industry Council

Employees' Retirement Board

Contra Costa County Sanitation Districts (Citizen Advisory
Committees)
No. 5 Port Costa area
No. 15 Bethel Island area
San Ramon Valley Area Planning Commission
Solar Energy Advisory Commission
Solid Waste Commission
Contra Costa County Storm Drainage District Zone 16 (Gregory
Gardens) Advisory Board

Central Contra Costa Transit Authority (Board of Directors)
Central Contra Costa Transit Authority Citizens' Advisory
Committee
Eastern Contra Costa Transit Authority (Board of Directors)
Western Contra Costa County Transit Authority (Board of
Directors)

Task Force on the Employment and Economic Status of Women

V. REQUIRED MUNICIPAL SERVICES
AND
FINANCIAL FEASIBILITY

Proponents of city status for an unincorporated community must make firm decisions in terms of municipal services desired and on the financial resources required to pay for those services.

REQUIRED MUNICIPAL SERVICES

In the case of Orinda, the services which would be needed, should incorporation become a reality, include the following:

1. General Government (city council, city manager, finance director, legal counsel, and supporting staff).
2. Planning (commission and staff).
3. Law Enforcement (police services inclusive of traffic control except on State highway 24 and all functions of County Service Area P-4).
4. Public Works (engineering, road and building construction and maintenance, inspection of residential and commercial building developments and the services rendered by County Service Areas M-9, M-11, and M-19).
5. Parks and Recreation (the functions now performed by County Service Area R-6).

With respect to subparagraph Number 4 above regarding proposed actions on County Service Areas L-42, M-9, M-11, and M-19, suggestions were made in the prior section of this report entitled, IV. STATUS OF EXISTING AGENCIES, under the subheading, COUNTY SERVICE AREAS. Additionally:

1. Three of these County service areas, namely M-9, M-11, and M-19 could (and should) be converted to an assessment district (or an assessment district with zones) under the provisions of the California State Landscaping and Lighting Act of 1972. Assessment payments should be made as equivalent as possible to the ad valorem taxes levied within the existing service areas with allowances for inflation and increased electrical energy rates. The street lighting services and some (if not all) of the other functions of the existing service areas could be rendered under the suggested assessment district and zone arrangement.

2. The portion of County Service Area L-42, which lies within the proposed city of Orinda, could be converted under the assessment district procedure indicated in 1. above. It might be possible to leave the Orinda portion of this service area in existence; the approval of the Local Agency Formation Commission, Board of Supervisors, and City Council of Orinda would be required to permit this course of action. The conversion of the Orinda portion of the service area to an assessment district is probably preferable; complications might develop if the Orinda service area portion was retained, such as in the case of a proposed annexation.

Later reference is made to the responsibility for services to be rendered under the assessment district and zone arrangement.

Flood control has been omitted from the list of services for which the new city of Orinda would be responsible, presuming incorporation, but a contingency amount has been included in the estimate of city public works expenditures for emergency work on major streams. If an expensive major stream project is found to be necessary after Orinda incorporates, the city should ask for technical aid from the flood control staff of the County Public Works Department and explore all potentialities for State and Federal grant assistance. The local city share should be obtained by establishing an assessment district issuing assessment bonds and levying charges on the benefited property owners using "1911 or 1915 Act" city assessment bonds or making arrangements with the County to have the assessment bonds issued under the jurisdiction of the Contra Costa County Flood Control and Water Conservation District to obtain assessment revenues from the benefited property owners. In taking corrective action on localized drainage problems the city could take action similar to that suggested in the case of major streams and perhaps use the alternate procedure of creating drainage zones with the assessments levied against benefited property owners under the jurisdiction of the Contra Costa County Storm Drainage District.

FINANCIAL FEASIBILITY

Financial feasibility related to incorporation means that there are sources of revenue which may be sustained at a level which is adequate to finance the functions for which the new city will have continuing responsibilities.

AVAILABLE REVENUES

The available revenues in the case of an incorporated city of Orinda are obtainable from the following sources:

1. County property tax revenues which were used to finance County functions which will be taken over as municipal activities.
2. Continuing State and Federal subventions which prior to the incorporation were allocated to the County because Orinda was a part of its unincorporated area.
3. Certain non-property tax revenues which the County received because Orinda was a part of its unincorporated area.
4. Fees which the city may impose to pay for the administrative costs of permits which may be required to control businesses and services to be provided within the community.
5. Intermittent State and Federal grants.

With respect to the charges to be paid under 4. above it is presumed that they will be nominal and that generally they will pertain to licenses for various activities.

Transfer of County Property Tax Revenues

The Executive Officer of the Local Agency Formation Commission of Contra Costa County has provided estimates of County costs for services rendered to the community of Orinda in its unincorporated status in the fiscal year 1981-1982. These estimates were prepared by the departments involved and checked by the Office of the County Administrator. The estimates are as follows:

Office of the County Sheriff	\$374,000
Planning Department	36,000
Public Works Department	<u>291,890</u>
Total	\$701,890

The Office of the County Auditor-Controller has determined that the 1981-1982 proportion of property tax revenues to total revenues for general purposes is 60.14 percent. Therefore, the estimated property tax revenue transfer to the proposed city of Orinda would be \$701,890 multiplied by 0.6014, or \$422,117.

In addition to the property tax revenue transfers cited in the preceding paragraph, there would accrue to the community of Orinda as a city property tax revenues related to the dissolution of County service areas lying within the boundaries of the new city. Data on such revenues have also been provided by the Executive Officer of the Local Agency Formation Commission of Contra Costa County after determinations made and reported to him for the fiscal year 1981-1982 by the County departments involved. The revenues are as follows:

<u>County Service Area Number</u>	<u>Transfer Amount</u>
L-42	\$ 2,075
M-9	5,049
M-11	19,565
M-19	12,072
P-4	115,611
R-6	<u>83,327</u>
Total	\$237,699

It will be noted that the transfer amount cited immediately above includes \$2,075 for the dissolution of the portion of County Service Area L-42 lying within Orinda. If it is later decided that this portion should remain in existence (with the approval of the Board of Supervisors and council of the new city) the \$2,075 amount would be deducted from the above total of \$237,699. For purposes of this report the \$2,075 amount is not deleted, leaving the status of the portion of L-42 within Orinda for subsequent attention should the community incorporate.

It should be noted also that the transfer amount shown above for County Service Area P-4 for the fiscal year 1981-1982 is a combination of regular property tax revenues plus a special allocation of property tax revenues from an augmentation fund provided to assist in the financing of district and County service area functions. Information obtained from the Office of the County Auditor-Controller on the 1982-1983 budget for County Service Area P-4 indicates that the total revenue for the service area in 1982-1983 was estimated to be \$164,235; the component parts of this total were estimated to be \$55,690 from property taxes, \$68,385 from property tax augmentation funds, and \$40,160 from the property assessments for police protection which received the voted approval of the electorate residing within the service area.

The total County property tax revenue transfer to the city of Orinda, should the community incorporate, would be

the amounts of \$422,117 and \$237,699 cited above, for a total of \$659,816. This total is based upon 1981-1982 data disregarding the potential changes indicated in the preceding two paragraphs.

State and Federal Subventions

As a city, Orinda would receive continuing State allocations in a number of categories; the following estimates were provided in 1982 by the California State Board of Equalization through the Executive Officer of the Local Agency Formation Commission of Contra Costa County:

Category

Sales tax	\$ 423,258
Cigarette tax	77,557
Motor vehicle "in lieu" tax	615,329
Gasoline tax	
S. and H. Code 2107	228,836
S. and H. Code 2106	<u>131,857</u>
Subtotal	\$ 360,693
Engineering allotment	<u>6,000</u>
Total	<u><u>\$1,482,837</u></u>

Potential adjustments in some of the above State subventions are indicated in a later section of this chapter under the side heading, Potential Additional Revenues.

The continuing Federal subventions to cities are those provided under the revenue sharing program which has been in existence for a decade. The annual allocation to each city is based upon a variety of factors, including population, per-capita income, and revenues from services other than revenue sharing. The two cities in Contra Costa County which are most comparable to the proposed city of Orinda are Lafayette and Moraga. According to data obtained from the U. S. Department of the Treasury, the allocations to both Lafayette and Moraga for the last entitlement period (the fourteenth) were equivalent to \$4.42 per capita. Orinda as a city should receive a comparable allocation, which would be in the amount of \$4.42 multiplied by its population of 16,970, or almost exactly \$75,000.

The combined State and Federal subventions which have been described above are in the total amount of \$1,557,837 (\$1,482,837 plus \$75,000).

Non-Property Tax Revenue

As has been indicated above, Orinda as a city would receive certain other revenues (in addition to the cited ad valorem property tax revenue transfers) which now accrue to the County because its unincorporated territory includes Orinda; these other revenues include the following:

1. Electric and gas franchise fees would be paid directly to the new city by the Pacific Gas and Electric Company which advised some time ago that the estimated amount of such fees would be \$100,000. It is likely that this estimate could be adjusted upward to reflect increased rates for electricity and gas, but for purposes of this report the \$100,000 figure is being used.
2. Television franchise fees would be provided directly to the new city by Cable-Vision and Televents, Inc., the companies which provide cable service to the community of Orinda. Their estimates indicate the the combined fees paid by them for the service furnished to the area within the proposed limits of the new city of Orinda would be approximately \$8,000. Their estimates are based on a franchise fee of two percent (2%) of gross annual revenues as stipulated in an agreement with the County. Cable service to a new city of Orinda would have to be negotiated between the parties involved and the \$8,000 figure cited might be adjusted. For purposes of this report the sum of \$8,000 is used for revenue estimating purposes.
3. The County of Contra Costa and all of its cities impose a property transfer tax and Orinda as a city could do likewise. The amount of the tax is \$0.55 per \$500 of the sales values of the properties. In 1980-1981 the City of Lafayette received the sum of \$45,673 from this revenue source according to its report to the State Controller in his 1980-1981 report on the Financial Transactions of Cities. Orinda as a city would receive a lesser amount considering relative valuation and population; a conservative total is \$30,000.

Further reference to this source of revenue is made in a later section of this chapter under the side heading, Potential Additional Revenues.

4. Orinda, as a city, would receive a share of the fines collected by the Walnut Creek-Danville Judicial District; the city share would be derived for the most part from traffic fines. In 1980-1981 the revenue received from this source by the City of Lafayette was

\$109,036 as is shown by the 1980-1981 report of the State Controller on the Financial Transactions of Cities. In 1981-1982 the share of the City of Lafayette as shown by the judicial district summary of revenue and expense prepared by County staff was the lesser total of \$99,415. The share of Orinda, as a city, has been estimated by comparison with the City of Lafayette figure of \$99,415, taking into account factors such as population, local road mileage and State highway mileage; a conservative total for Orinda on this basis is \$53,000. The rigid enforcement of traffic control measures might result in a significant increase in revenues from this source.

5. The County collects a significant amount of money in planning fees of various types for the services and controls for which it is responsible in the Orinda area. This planning fee total can vary widely from year to year, depending largely upon the volume of new construction annually. A conservative estimate of the annual planning fee revenues on the average is \$14,000. This amount does not include any part of the property tax revenues for planning purposes which are to be transferred by the County to Orinda as a city; prior reference to these revenues has been made in this chapter.
6. The functions conducted under County Service Area R-6 have encompassed comprehensive recreation programs and park development projects on which significant progress has been made. In the case of parks, park dedication and State bond proceeds have been used as such funds have become available. The magnitude of the park and recreation operations is indicated by budget totals for County Service Area R-6. In the fiscal year 1981-1982 the service area budget total was \$610,560 and in the fiscal year 1982-1983 the proposed budget total (excluding park dedication allocations) was \$547,900. In each of the two fiscal years cited the budget total included the property tax revenue made available to the service area. For purposes of this report the annual revenue available for park and recreation functions is estimated to be \$450,000 plus the \$83,327 property tax revenue amount previously noted as a transfer from the County to Orinda as a city. At this point it should be noted that revenues made available for park and recreation activities in Orinda have been considered to be dedicated for such purposes and this report does not propose to alter that traditional practice.

The total of the revenues considered under the above sub-heading titled, Non-Property Tax Revenues, is \$655,000.

Total Available Revenues

The estimated total revenues available to Orinda as a city based on the preceding analyses are as follows:

Property tax revenue transfers	\$ 659,816
State and Federal subventions	1,557,837
Non-property tax revenues	<u>655,000</u>
Total	\$2,872,653

It should be noted that a proportion of the total revenues is dedicated or reserved for specific purposes as follows:

1. Gasoline taxes in the amount of \$360,693 must be used for road purposes pursuant to State law.
2. Property tax revenues in the amount of \$83,327 and non-property tax revenues in the amount of \$450,000, or a total sum of \$533,327, must be reserved for park and recreation functions if the Orinda community support of these activities is to be continued.

Later reference is made to total proposed expenditures for road purposes and to the proposed budget for park and recreation functions.

Potential Additional Revenues

Some of the income sources to which reference has been made above should produce increased revenues to Orinda as a city in the future. The revenue figures cited are conservative and reflect the impact of the current recession. The following observations should be noted:

1. Property tax transfers from the County to Orinda as a city should increase as city valuations rise, unless additional restrictions on property tax levies are imposed.
2. Sales tax allocations to Orinda as a city should increase as economic conditions improve.
3. Motor vehicle "in lieu" allotments to Orinda as a city should be greater as economic conditions become more favorable unless the State reserves more revenues from this source for its requirements.

4. Gasoline tax revenues to Orinda as a city will be a higher total as the result of the recently approved State increase (two cents per gallon) in the tax. The California State Board of Equalization estimate at this time indicates that the increase (S. and H. Code 2107) would be \$98,785, beginning with the fiscal year 1983-1984.
5. It is possible that a larger amount of revenue might be derived by Orinda as a city from electric and gas franchise fees as has been previously indicated.
6. Orinda as a city probably can obtain a larger income from property transfer taxes than is estimated for purposes of this report. As economic conditions improve, property sales will increase and revenues from the property transfer tax should be on an upward trend.
7. The property tax revenue transfer from the County to Orinda as a city for the police services rendered under County Service Area P-4 has been previously shown to be \$115,611 for the fiscal year 1981-1982. It has been previously noted that a part of this total sum represents property tax augmentation funds. It has also been pointed out that the 1982-1983 revenue budget for this service area was estimated to be \$164,235, comprised of regular property taxes in the amount of \$55,690, property tax augmentation funds in the amount of \$68,385, and property assessments in the amount of \$40,160. The property tax revenue part of the total 1982-1983 revenue budget is \$124,075 (\$55,690 plus \$68,385), and might result in a greater property tax revenue transfer than the amount (\$115,611) used in this report for revenue estimating purposes. In any event, the property tax revenue transfer amount should be supplemented, beginning with the fiscal year 1982-1983, by the property assessment revenue.

From a financial viewpoint it is desirable that the property assessment for police services be continued in effect if Orinda becomes a city. In this respect it should be noted that the boundaries of County Service Area P-4 conform closely to the boundaries of the proposed city of Orinda but the area of the proposed city is slightly larger than the boundaries of the service area. A decision from a competent legal authority is needed to determine if the assessment for police protection can be continued by Orinda as a city or whether the matter must be voted upon again. If the latter is the case, the assessment proposal should be an item on the ballot used to determine if the residents of Orinda

wish to make their community a city. Continuance of the assessment within Orinda as a city is expedient for a few years beyond the date of the possible incorporation.

Orinda as a city will probably be the recipient of miscellaneous other revenues. Business licenses for control and revenue purposes are not, however, proposed in this report. The City of Lafayette and the City of the Town of Moraga have not imposed the business license system and it is understood that the new cities of Danville and San Ramon will likewise refrain from the use of the business license system. It may be noted, however, that twelve (12) of the fifteen (15) cities in Contra Costa County (excluding the new cities of Danville and San Ramon) do utilize the business license system and their total revenue from this income source in the fiscal year 1980-1981 was \$2,480,576 as shown by the report of the State Controller on the Financial Transactions of Cities in 1980-1981. The average per-capita income of the twelve (12) cities imposing business licenses was \$5.84 from that income source (using population data as of January 1, 1981). It may be noted further that 415 of the 426 cities in existence in California as of June 30, 1981 imposed business licenses and that their total 1980-1981 income from that source was \$219,331,987; these data are also as derived from the 1980-1981 report of the State Controller on the Financial Transactions of Cities.

If Orinda becomes a city it should proceed fiscally on a conservative basis because the times ahead are not readily predictable. Federal and State subvention formulas may be altered. Further, Orinda, if it becomes a city, must look ahead to the 1990's when its population for subvention purposes may be based upon the actual number of its residents, rather than a registered voter formula.

ESTIMATED EXPENSES

The amounts to be expended for municipal services, should Orinda incorporate, have been estimated by reviewing the past financial experience of Contra Costa County within the boundaries of the proposed city, by checking on the financial results of the incorporation of other cities in California in recent years, and by giving attention to the financial status of other cities in Contra Costa County, particularly the City of Lafayette and the City of the Town of Moraga.

If Orinda incorporates, it is presumed that it will become a general law city and that it will utilize the city manager form of government. It is also presumed that a five

member city council will be elected on a community-wide basis without a division by wards and that the mayor of the city will be elected from the membership of the council by the council members. It is expected that the city manager will be fully responsible for administration, subject to policies set by the city council.

General Government

Annual expenses for the general government of Orinda as a city are estimated as follows:

<u>Personnel</u>	<u>No.</u>	<u>Estimated Annual Cost</u>
City Manager	1	\$ 40,000
Secretary & City Clerk	1	18,000
Accountant & Finance Director	1	24,000
Stenographer Clerk	1	12,600
Clerk Typist	1	10,800
Temporary Typists	<u>2</u>	<u>8,000</u>
Subtotal	7	113,400
Fringe Benefits (25%)	<u>-0-</u>	<u>26,600</u>
Total Personnel	7	\$140,000
<u>Other Costs</u>		
City Council		\$ 7,000
Attorney (contract)		30,000
Office Rent		-0-
Insurance		50,000
Services & Supplies		70,000
Various Expenses		<u>30,000</u>
Total Other Costs		\$187,000
Grand Total		<u><u>\$327,000</u></u>

The above estimated annual general government expenses for Orinda as a city are considered to be adequate for early years of operation; experience in the administration of municipal affairs may require adjustments in later years. Comments on the estimates are as follows:

1. Care must be exercised in the selection of a city manager; it would be desirable to employ a person who has previously served in the role of city manager or assistant manager (or in jobs equivalent to such

positions) and who has not only the capacity to direct regular municipal affairs but who is also familiar with State and Federal programs, particularly those involving grants to cities.

2. The accountant and finance director should have experience in governmental accounting and municipal finance; it would be well to seek the services of a person who would be willing to transfer from a city or county accounting position (or the equivalent thereof).
3. The amount estimated for fringe benefits is roughly twenty-five percent (25%) of the personnel expense total of \$113,400, less the amount of \$8,000 estimated for temporary typists. The fringe benefit amount does not include allowances for vacation and sick leave; it is presumed that extra effort on the part of employees returning from leaves will make such allowances unnecessary.
4. No provision is made in the estimate for personnel to cover procurement and the recruitment, classification, and pay of employees; it is expected that the city manager and his supporting staff will be able to perform these functions.
5. Only a moderate amount is provided for the expenses of the city council. If Orinda incorporates, it is probable that the city council members will render their services in the interest of community stability and progress. The estimated amount for city council expenses is intended to cover nominal fees, travel expenses, and representation at affairs such as the annual meeting of the California League of Cities.
6. The estimate of \$30,000 is deemed sufficient to cover the services of an attorney on an annual contract basis. The attorney should be one who is familiar with municipal legal affairs. It is conceivable that an attorney residing in Orinda might be willing to assist the new city on a volunteer basis in the preliminary stages of its organization.
7. Office rent is shown without an estimate of expense. It is presumed that council and staff of the new city will have quarters in the Orinda Community Center (formerly an elementary school) being acquired by the County of Contra Costa from the Orinda Union School District on a "lease with option to purchase" basis. The annual lease amount is \$42,000 and is paid by the County from revenues obtained through the operation of

County Service Area R-6. It is not presumed that the new city will have rent-free quarters. The service area park and recreation organization will become a city department if Orinda incorporates, and the department should be compensated for the rental losses which will result from providing space for the city council and city staff. City payments to cover the revenue losses should be made from the above-estimated amount of \$70,000 for services and supplies and/or the above-estimated amount of \$30,000 for various expenses. It is expected that such city payments will not exceed \$15,000 annually.

It should be noted that negotiations between the County of Contra Costa, the Orinda Union School District, and the new city, if Orinda incorporates, should be undertaken so as to have the remaining lease-purchase obligations of the County taken over by the new city. The final lease payments will be made before June 30, 1988 (the termination date of the lease) and under the existing agreement the County would obtain title to the former school district property on or after July 1, 1988 by making a payment of \$1. It is equitable to have the property turned over to the new city for no charges other than those remaining to be paid under the existing agreement because all prior lease payments were made by the County from revenues obtained from the Orinda community.

8. The sum of \$50,000 has been estimated as sufficient to cover the cost of liability insurance. It is presumed that Orinda, as a city, will be able to join with the Contra Costa cities which have formed a self-insurance pool and thereby obtain the coverage which it will need.

In the above estimate for general government (\$327,000), the amount for other costs (\$187,000) exceeds the sum for personnel expenses (\$140,000), the amount specified for services and supplies (\$70,000) is one-half of the total for personnel expenses (\$140,000), and \$30,000 is included for various expenses; the latter amount (\$30,000) is intended to be a reserve to cover unanticipated expenses.

Planning

Annual expenses for planning purposes for Orinda as a city are estimated as follows:

<u>Item</u>	<u>Estimated Annual Cost</u>
Planning Commission	\$ 5,000
Contract	50,000
Planning Coordinator	22,000
Services & Supplies	4,000
Fringe Benefits	<u>5,500</u>

Total \$86,500

Comments on this estimate for planning services are as follows:

1. The sum of \$5,000 is provided for the planning commission members who would be appointed by the Orinda City Council, if the community incorporates. The amount is conservative on the presumption that planning commission members would regard their services as contributions to the community and find nominal fees and travel expenses to be adequate compensation.
2. The sum of \$50,000 is estimated as adequate to cover the cost of contract planning services. It is considered desirable for the new city to contract with Contra Costa County for planning services at least during its early years of operation. There is no way for the city to employ directly the spread of talent which can be made available to it through the County Planning Department, except at high expense. The estimated contract amount of \$50,000 is equal to the planning property tax transfer amount of \$36,000 and the annual planning fee revenue total of \$14,000; prior reference to each of these two revenue items has been made under the center heading, AVAILABLE REVENUES. It should be noted that:
 - (a) The County Planning Department is intimately familiar with Orinda planning needs.
 - (b) It developed the 1973 Orinda General Plan (with substantial community input) and the 1978 revision to that plan (again with community input) known as the North Orinda Specific Plan.
 - (c) Over the years the work of the County Planning Department has been generally acceptable to the Orinda community, although policy decisions by the County Planning Commission and/or the Board of Supervisors have sometimes been considered inappropriate and on some occasions have been challenged in court actions.

- (d) It is proposed that the County Planning Department work within the framework of city planning ordinances and policies set by the city and its planning commission with the assistance of a planning coordinator employed directly by the city. It may be that the new city will find it expedient to adopt the County planning ordinances (with any necessary revisions) as municipal planning ordinances, at least during its early stages of operation.
- (e) With or without the adoption of the County planning ordinances, the new city might utilize the County planning fee schedule (at least on an interim basis) or set its own planning fees.
- (f) It is proposed that all planning documents be filed with the city clerk and that the planning coordinator arrange for the delivery of the requisite number of copies to the County Planning Department within two working days after receipt. At least one copy of the documents should be retained by the city clerk for preliminary local review and for file and record purposes.
- (g) It is also proposed that planning fees be collected by the city clerk and deposited daily in a local bank for transfer as directed by the County Treasurer-Tax Collector. On some occasions parties with planning proposals may wish to file planning documents directly with the County Planning Department; this procedure should be permitted and in such cases the County Planning Department should collect the prescribed fees. Parties following this latter procedure should still be required to promptly file copies of the planning documents with the city clerk.

The first planning contract with the County should cover planning services for the city with provisos as follows:

1. The duration of the contract should be eighteen (18) months.
2. Cancellation of the contract by either party should be permitted upon six (6) months' written notice of such proposed action to the other party.
3. The basic annual payment by the city to the County should be \$36,000.

4. The planning fees should revert to the County except that some modest percentage of the fees should be allocated to the city for receiving and transmitting documents and collecting fees.

The above-listed provisos may require city-County negotiations, but it is believed that the general pattern of the contract should be as indicated.

The position of planning coordinator has been recommended to keep the city planning commission informed on present and potential planning proposals, to assist persons having planning proposals in presenting them in the proper format and with the necessary content, to review and make recommendations on a preliminary basis to the County Planning Staff on planning proposals received by the city, to perform field work on planning proposals when requested to do so by the County Planning Staff, and to assist the city clerk in receiving and promptly transmitting planning documents to the County Planning Department and in the collection and depositing of planning fees. It should be clearly understood by all concerned that the job of the planning coordinator is not to direct the work of the County Planning Staff, but rather one involving assistance and coordination in the planning process and maintaining clear lines of communication between the city planning commission and the County Planning Department.

Law Enforcement

It has been pointed out previously in this chapter that the reported expenditures of the Office of the County Sheriff-Coroner for police services rendered to the community of Orinda in its unincorporated status were \$374,000 in 1981-1982. This amount does not include 1981-1982 expenditures made from revenues of County Service Area P-4; these expenditures were reported to be \$115,611 as indicated previously in this chapter. The total expenditures reported for police services to the Orinda community in 1981-1982 are the sums of these two amounts (\$374,000 plus \$115,611), or \$489,611.

If the County expenditures of \$374,000 in 1981-1982 remained at the same level in 1982-1983 and all of 1982-1983 budgeted revenues (\$164,235) of County Service Area P-4 were expended, the amount of \$489,611 for police services in Orinda would be increased to \$538,235 (\$374,000 plus \$164,235) for 1982-1983. The latter greater amount is the result of the supplementary Orinda police protection assessment income to which prior reference has been made in this chapter.

It may be noted that the Office of the County Sheriff-Coroner may have a problem under current circumstances in maintaining the level of Orinda police services financed with County funds (\$374,000 in 1981-1982), and cut-backs may be necessary. The County has serious budget problems as the result of the approval of Proposition 13 in 1978 and recent reductions in State and Federal subventions. Appropriations for the Office of the County Sheriff-Coroner have been diminished significantly below requested amounts with resultant adverse impacts on the intensity of police services in unincorporated areas.

The current expenditures made for police services in Orinda are contingent upon the intensity of police protection which the Office of the County Sheriff-Coroner can provide with funds made available to the office in County appropriations plus the funds which are obtainable from County Service Area P-4. A recent estimate of the cost of police services for Orinda as a city has been obtained from the Office of the County Sheriff-Coroner. This estimate is based upon a police organization of a particular personnel strength and related operating needs as projected for the fiscal year 1983-1984. The estimate does not represent a service level recommended by the Office of the County Sheriff-Coroner nor upon a needs analysis made by that office. For purposes of this report the estimate is being used to indicate the possible proportions of police protection costs to Orinda as a city. The estimate is as follows in summary form:

<u>Personnel</u>	<u>Cost</u>
One sergeant, twelve deputy sheriffs, two full-time investigators, and one crime prevention officer	\$639,357
<u>Other Charges</u>	
Patrol car mileage, investigators' car mileage, supplies, communications, and liability insurance	<u>129,792</u>
Total	\$769,149

In the above estimate the twelve deputy sheriffs listed are intended to cover both patrol work and traffic control. The personnel costs include regular pay (average for the sergeant and deputy sheriffs), retirement, medical insurance, uniform allowance, holiday and other overtime, and a projected salary increase (at four percent). The personnel costs do not include relief officers to replace Orinda

officers on vacation and sick leave or in training; it is presumed that the personnel staffing as set forth in the estimate is adequate to cover such absences. If circumstances at any time are such that relief officers cannot be provided from within the staffing shown in the above estimate, the Office of the County Sheriff-Coroner can provide the relief officers, but at extra cost. It should be noted that the above estimate covers the top level services of the County Sheriff-Coroner and his key subordinates in areas such as administrative direction of the sergeant who is listed in the above estimate and who would be in command of the other police protection personnel assigned to Orinda.

It would appear that the Office of the County Sheriff-Coroner is in a favorable position to provide contract police services to Orinda as a city because of its knowledge of community needs, its extended experience in providing police protection to the area, and its capacity as a large police agency to respond to changing conditions. Under these circumstances it is desirable for Orinda as a city to contract for police services with the Office of the County Sheriff-Coroner. It is so recommended subject to stipulations and actions as follows for the purpose of being fair to all concerned and so that possible alternatives are not overlooked that:

1. A police service advisory committee be organized to consider police service requirements in detail.
2. The committee consult with the Office of the County Sheriff-Coroner and other interested agencies including the East Bay Regional Park District on their determination with respect to police protection needs and their proposals for police personnel staffing, patrol vehicles, communications, and other operating needs and their estimates of costs.
3. The committee consult with the State Highway Patrol as to the duration of the continuance of traffic service on local roads in Orinda beyond the date of a favorable vote on incorporation.
4. The committee consult with officials of the City of Lafayette on mutually-satisfactory arrangements to have Orinda police vehicles continue to be dispatched from Lafayette police headquarters, the present practice of the Office of the County Sheriff-Coroner.
5. The committee determine appropriate terms for a contract for police protection with the objective of obtaining the best possible service at reasonable cost.

6. The committee report its findings to the city council of the city of Orinda.

The police advisory committee should be established on an informal basis by the members of the city council of the new city immediately after their election and a favorable vote for incorporation, if in fact Orinda residents do vote in a majority for incorporation. The committee should have adequate time to conclude the work outlined above if the Contra Costa County Local Agency Formation Commission continues with its policy of fixing the official dates of incorporation of new cities so that County services may be continued for a period of one year following favorable votes for incorporation (as was the case for Danville and San Ramon).

When the city council begins to function officially, the members of the police advisory committee should be appointed (or a new police advisory committee should be established) to consider matters such as the following:

1. The feasibility of Orinda, as a city, establishing its own police force.
2. The practicability of Orinda, as a city, and the City of Lafayette having a combined police force either on a contract basis for police services or with police personnel employed directly by the two cities.
3. The practicability of combination arrangements as in No. 2. above with Orinda, as a city, and the City of the Town of Moraga as the other local jurisdiction involved.
4. The practicability of combination arrangements as in No. 2. above with Orinda, as a city, and the City of Lafayette and the City of the Town of Moraga being the other local jurisdictions involved; in this case there would be a tri-city police organization operating on an area-wide basis under contractual agreements for police services or with police personnel employed directly by the cooperating municipalities.
5. The basis upon which Orinda, as a city, may participate in mutual aid with other police organizations.
6. Preparation of a report on its findings for submission to the city manager and the city council.

After this second group of studies is concluded, the police advisory committee should be dissolved.

For purposes of this report, the annual cost of contract police services for Orinda, as a city, is set initially at a maximum level of \$750,000. This total is well above the reported amounts expended for police services in Orinda heretofore and is regarded as adequate to continue and intensify the existing degree of police protection. It may be noted that comparisons with the police costs of other cities are not particularly significant because police protection needs are determined from diverse municipal characteristics. The police advisory committee, to which reference has been made above, should be apprised of this ceiling amount (\$750,000) before it begins its initial deliberations.

Public Works

The principal County public works functions which are performed for the community of Orinda are inspection of new building developments (new residences for the most part), road construction (surfacing and general road maintenance), and providing services to County Service Areas L-42, M-9, M-11, and M-19. Engineering required with these functions, excepting building inspection, is also provided.

The County Building Inspection Department employs a staff of experienced inspectors, including specialists for plumbing, electrical, and grading work. The fees charged by the department are sufficient under normal circumstances to cover departmental costs; the fees are adjusted from time to time so that departmental revenues do not lag behind its costs.

There is no way that a small city such as Orinda, if it incorporates, can employ the range of County building inspection talent on an economical basis. If Orinda incorporates, it is recommended that it contract with the County for building inspection services with the understanding that all fees be collected and retained by the County.

As has been previously pointed out in this chapter, County Service Areas M-9, M-11, M-19, and L-42 should be converted to assessment districts with payments equivalent to the ad valorem taxes now paid by the owners of property within the service area so that the services provided within these areas may be continued. It would not be equitable to pay from city general funds for special services rendered to restricted areas.

The maintenance of roads in Orinda is the most difficult and expensive County service rendered to the community. Hilly terrain, poor soil conditions, and roads providing

access to homes built on hillsides are elements related to the problem. Information received from the Contra Costa Public Works Department via copies of departmental memoranda indicate road costs within the area proposed for incorporation to be as follows:

County Cost Data for the Fiscal Year 1981-1982

Construction by County Forces	\$ -0-
Construction Under Contract	-0-
Reconstruction/Resurfacing by County Forces	80,000
Reconstruction/Resurfacing Under Contract	69,000
Maintenance by County Forces	<u>596,000</u>
Total	\$745,000

Average of County Cost Data for the
Fiscal Years 1977-1978 Through 1981-1982

Construction by County Forces	\$ -0-
Construction Under Contract	-0-
Reconstruction/Resurfacing by County Forces	67,200
Reconstruction/Resurfacing Under Contract	91,400
Maintenance by County Forces	<u>501,020</u>
Total	\$659,620

The data for the fiscal year 1981-1982 indicate that the overall road maintenance and improvement cost per mile was \$8,028 (\$745,000 divided by 92.8 miles). The data for the fiscal years 1977-1978 through 1981-1982 for road maintenance and improvements indicate that the overall average cost per mile during that period was \$7,108 (659,620 divided by 92.8 miles). The departmental memoranda state that all of the above-cited costs were paid from highway user funds.

The costs cited above do not include amounts expended for special storm damage road repair work; such costs are listed in the departmental memoranda to be as follows within the area proposed for incorporation for the fiscal years 1978-1979 through 1981-1982:

<u>Fiscal Year</u>	<u>Amount</u>	<u>Source of Funding</u>
1978-1979	\$ 20,000	Gasoline taxes
1979-1980	90,000	50% gasoline taxes, 50% State emergency funds
1980-1981	40,000	Gasoline taxes
1981-1982	260,000	Federal funds \$130,000,

gasoline taxes \$55,000,
County general funds
\$75,000

Departmental memoranda show the County costs incurred for special storm damage road repair work in the fiscal year 1982-1983, as of May 31, 1983, to be \$442,000 within the area proposed for incorporation. The funding sources for these charges are indicated by departmental memorandum to be as follows:

<u>Fiscal Year</u>	<u>Amount</u>	<u>Source of Funding</u>
1982-1983	\$ 28,000	Federal funds
(Through	100,000	Resident contributions
5-31-83)	10,000	Gasoline taxes
	304,000	County general funds

For purposes of regular road maintenance, special storm damage road repair work, and some other public works services with exclusions which will be noted, the following actions are recommended if the community incorporates:

1. The new city should make arrangements to contract for public works services.
2. The new city should employ a civil engineer (registered in California) as a public works coordinating engineer. The person employed should have experience in road and public building construction and maintenance work and should be able to perform preliminary design work as a guide to the contracting public works agency. It is not contemplated that this engineer direct the contracting public works forces; the work of this engineer should be as a coordinator between the public works contractor and the city, with the basic responsibility of keeping the city manager and the city council informed on public works project and program needs and progress in terms of technical and cost factors. It is proposed that the salary offered be \$30,000 with fringe benefits in the proportion of twenty-five percent of salary (or \$7,500) and with reimbursable expenses estimated at \$1,000, for a total annual cost of \$38,500.
3. The cost of regular road maintenance inclusive of maintenance engineering road reconstruction and resurfacing plus the maintenance of traffic signals and signs; plus the public works services rendered to the sections within County Service Areas M-9, M-11, M-19, and L-42; plus miscellaneous other road maintenance items such as pavement striping have been estimated on the basis of

an overall cost per mile for each of the 92.8 miles of road which will be within the boundaries of the new city. The per-mile cost has been estimated at the level of \$9,500 and the total annual cost in the amount of \$881,600 (92.8 miles times \$9,500). This annual cost (\$881,600) is well above the 1981-1982 cost of \$745,000 and the average annual cost of \$659,600 from 1978-1979 through 1981-1982 cited above and which are reflected in the data contained in the Public Works memoranda. It should be noted, however, that the regular County road maintenance costs in 1980-1981 were shown to total \$883,100 in the Public Works memoranda; in that fiscal year, however, the cost of storm damage road repair work was only \$40,000 as shown by the same memoranda. The per-mile cost of \$9,500 and the total annual cost of \$881,600 are considered to be reasonably generous amounts for regular road maintenance (inclusive of the work components cited above in this subparagraph).

4. Inasmuch as the amount of storm damage repair work is generally determined by weather conditions, the annual cost is not really predictable; this conclusion is confirmed by the data cited above which show that annual storm damage road repair costs in the fiscal years from 1978-1979 through 1981-1982 varied from a minimum of \$20,000 to a maximum of \$260,000 and that such costs soared to the level of \$442,000 in the first eleven months of the fiscal year 1982-1983.

In view of the reported wide variation in storm damage road repair costs it is necessary that the new city establish a reserve fund to cushion intermittent high costs for repairs to road damage resulting from severe weather conditions. The amount of the reserve fund should be set initially at the level of \$250,000; the money needed to establish the fund should be allocated from State subventions received by the city in the period during which County services will be continued after a favorable vote for incorporation. The reserve fund should be augmented by the transfer of balances from appropriations for regular road maintenance if in fact such appropriations prove to be more than sufficient for scheduled work. In addition, city officials should remain alert to the potential availability of State and Federal subventions to pay in part for the cost of storm damage road repair work; in this connection city officials should maintain close liaison with the Division of Local Assistance of the California State Department of Transportation.

5. Officials should take a variety of steps which will impact upon the cost and scope of their public works services; such steps include the following:

- (a) Contract for public works road work as indicated above.
- (b) Adopt the County road standards for road construction and maintenance.
- (c) Provide in the contract for road work that routine repairs be made by a relatively small crew of maintenance personnel with appropriate equipment.
- (d) Provide in the same contract that special road work be done in accordance with schedules agreed upon by the city and its contractor.
- (e) Leave the responsibility for the maintenance of the Orinda Community Center with organization set up under County Service Area R-6 while the new city is being organized to perform its municipal functions.
- (f) Contract with the County for building inspection services on the basis to which prior reference has been made.

With respect to (d) above it should be noted that special road work (such as resurfacing) must be scheduled because the city cannot expect its contractor to render service requiring various types of equipment without realistic advance notice.

It might well be advantageous for Orinda, as a city, to contract with the County for public works road and related services. County engineering and road personnel have an intimate knowledge of the community road network (inclusive of detailed maps of the system), are aware of the roads most vulnerable to damage, and have a nearby maintenance headquarters and dispatch point in the City of Lafayette. Despite these factors favorable to a County contract, it is advisable for the city to entertain other proposals for the maintenance and preservation of its road system. Private organizations having competent engineering and maintenance forces may wish to provide the service and it is only fair to review their offers.

The cost of public works services as estimated in this report, with exclusions as noted, is \$920,100 (\$38,500 plus \$881,600).

Parks and Recreation

It has been pointed out previously that an extensive parks and recreation program has been conducted in the community of Orinda under the aegis of County Service Area R-6. The service area budget totals for 1981-1982 and 1982-1983 have also been indicated. In this report the revenues of the park and recreation organization as a city department have been estimated at a level of \$83,327 (property tax revenue from the County) plus the sum of \$450,000 (derived from participants in recreational programs and rentals for the use of the Orinda Community Center building), for a total of \$533,327. The revenue total cited does not include park dedication fees. Allocations of such fees might increase the revenue total considerably; the fees must be used for park development purposes, however, as distinguished from use for recreation programs.

This report proposes that all revenues as outlined in the paragraph above be dedicated for park and recreation purposes. If that be the case, revenues and expenditures would be the same except for balances which should be carried over from one fiscal year to the next. On this basis, the estimated expenses of the park and recreation organization, for purposes of this report, would be \$533,327 plus expenditures from allocations of park dedication fees which become available.

The following points (previously indicated) in relation to the responsibilities of the park and recreation organization are reiterated:

1. The cost of the maintenance and improvement of the Orinda Community Center should continue to be charged to its account (whether it becomes a department of a new city of Orinda or remains in operation as County Service Area R-6).
2. It will be relieved of the responsibility of making annual lease-purchase payments of \$42,000 as of June 30, 1988. At that point the park and recreation program could be expanded at a cost of \$42,000 or that amount could revert to municipal general funds if Orinda becomes a city.

With respect to subparagraph 2. immediately above, it would be desirable to use the \$42,000 for park and recreation program expansion, in line with traditional Orinda community practice.

Total Estimated Expenditures

The total expenditures of Orinda as a city, based upon the preceding estimates are as follows:

<u>Function</u>	<u>Amount</u>
General Government	\$ 327,000
Planning	86,500
Law Enforcement	750,000
Public Works	920,100
Parks and Recreation	<u>533,327</u>
Total	\$2,616,927

This expenditure total is considered to be adequate to cover the costs of Orinda, operating as a city, provided that:

1. City officials pursue conservative policies in directing municipal affairs.
2. A reserve fund of \$250,000 be established for storm damage road repair work using monies which will accrue to the city from the date that Orinda residents vote in the majority to become a city (if that is the case) and the official date of incorporation as a city as set by the Local Agency Formation Commission.
3. Assessment districts of the appropriate types be established to pay for services rendered in County Service Areas L-42, M-9, M-11, and M-19 when these service areas are dissolved.
4. Assessment districts of the appropriate types be established as might be required to provide funds for flood control prevention and/or the correction of local area drainage situations; the creation of such districts should be coordinated with the County inasmuch as it has established and utilized with effective results County-wide flood control and storm drainage districts on a flood basin and drainage area basis.

It may be noted the estimated expenditures as shown above for Orinda as a city compare favorably, on a per-capita basis, with the expenditure totals approved in the 1981-1982 budgets of the City of Lafayette and the City of the Town of Moraga.

Revenue and Expenditure Comparison

The total revenues and total expenditures of Orinda as a city as estimated in this report are as follows:

<u>Category</u>	<u>Amount</u>
Revenues	\$2,872,653
Expenses	<u>2,616,927</u>
Surplus	\$ 255,726

The surplus shown above might be adjusted upward by at least \$150,000 for amounts not included in the revenue total; the \$150,000 figure cited is the sum of the following:

1. The increased revenue which would accrue to Orinda as a city as the result of the recent two (2) cent increase in the State gasoline tax.
2. The revenue which Orinda as a city would receive as the result of the voted approval of the assessment of Orinda property owners for intensified police protection.

Prior reference has been made to the information contained in subparagraphs 1. and 2. immediately above in the review of available revenues under the side heading, Potential Additional Revenues.

CITY ORDINANCES

If the residents of Orinda vote to become a city, the city council members elected by them should hold informal meetings in the period between the date of their election and the time set by the Local Agency Formation Commission as the official date of Orinda's incorporation. These meetings should be held to discuss future city affairs and objectives; the meeting should be open to the public.

One of the major matters which should be reviewed is the type of city ordinances to be adopted for municipal service and control purposes. It is considered desirable that the city council, when it becomes an official governing body, adopt the County ordinances for an interim period and make changes as deemed necessary as the city becomes well organized to exercise all of its prerogatives. It may be that some changes can be made in the County ordinances prior to adoption as the result of review by the city council while it has an interim status; the review should not be difficult because the County ordinances are codified. Care

should be taken to include the County ordinance provisions on slope density and hillside development. It might be well to add ordinance provisions relating to the position of city manager and the qualifications of the incumbent of that position as well.

VI. ENVIRONMENTAL CONSIDERATIONS

When an unincorporated community converts to city status, questions may be raised as to the possible environmental impact as the result of that change.

Orinda in its unincorporated status is a residential community without industrial development and it is likely that it will so remain if it becomes a city. It has no significant point sources for air or water pollution, and it is probable that it will have none later, irrespective of its governmental status.

The public utility services which will continue to be provided to Orinda, whether it becomes a city or not, are as follows:

1. The community is provided with high quality potable water by the East Bay Municipal Utility District, a regional entity.
2. Its sewage collection service is provided by the Central Contra Costa Sanitary District which treats sewage from a wide-spread Contra Costa County area in a modern plant located near Martinez.
3. Air pollution control in the Orinda area is exercised by the San Francisco Bay Area Air Quality Management District, a regional entity recognized as among the best in the Nation; the district has few problems in Orinda.
4. Its gas and electricity is furnished by the Pacific Gas and Electric Company, a public utility which furnishes such services effectively in a very large proportion of the total area of the State of California.

The residents of Orinda have made concerted efforts to enhance their environment. Their programs have included tree plantings; development of mini-parks; a central park area including parking facilities, tennis courts, group picnic areas, a play area for pre-school children, an amphitheatre with stage and seating components for cultural purposes; and appropriate landscaping. Most recently a sport field, encompassing ten (10) acres has been developed. An unusual proportion of the work required to provide these programs and facilities has been accomplished by unpaid volunteer residents and through monetary contributions from local organizations.

There is no reason to believe that Orinda residents will diminish their interest and efforts in preserving and improving their environment if their community becomes a city. Under the cited circumstances it is believed that no environmental impact report is required and that a negative declaration in terms of the environmental factors associated with the conversion of Orinda from an unincorporated community to an incorporated city is entirely justifiable.

VII. CONCLUSIONS

Orinda residents have been considering incorporation for over a decade now, and the pro and con philosophical positions remain essentially unchanged. Proponents of city status believe that it is desirable for Orinda to exercise a measure of control over its destiny, while opponents contend that it is advantageous for Orinda to remain unincorporated and draw upon County resources to maintain its integrity.

In the years which have elapsed since earlier incorporation efforts, a primary objection of opponents of city status -- that property tax levies would be increased -- is no longer valid as a result of Proposition 13, now Article XIII A of the California Constitution. Moreover, it should be noted that Contra Costa County has been adversely affected financially by Proposition 13, for it must sustain a variety of social programs, including public assistance, medical care, health, and probation, while Federal and State funding allotments diminish. Therefore, it is unlikely that Orinda, in its unincorporated status, can expect to receive increased police protection and road improvements while the County must concurrently support human services with substantial funding derived from local exactions.

During the extended period that Orinda has deliberated the incorporation option the communities of Lafayette and Moraga have become cities, and most recently the communities of Danville and San Ramon have voted to incorporate. The facts and conservative analyses outlined in this report substantiate the financial feasibility of incorporation for Orinda. The desirability of incorporation awaits community resolution.

August 1, 1983

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